



**2023/0205(COD)**

2.2.2024

# **AMENDMENTS**

## **156 - 364**

**Draft report**  
**Michiel Hoogeveen**  
(PE757.355v01-00)

Framework for Financial Data Access and amending Regulations (EU) No 1093/2010, (EU) No 1094/2010, (EU) No 1095/2010 and (EU) 2022/2554

Proposal for a regulation  
(COM(2023)0360 – C9-0215/2023 – 2023/0205(COD))



## Amendment 156

Ondřej Kovařík, Martin Hlaváček

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

(1) A responsible data economy, which is driven by the generation and use of data, is an integral part of the Union internal market that can bring benefits to both Union citizens and the economy. Digital technologies relying on data are increasingly driving change in financial markets by producing new business models, products and ways for firms to engage with customers.

*Amendment*

(1) A responsible data economy, which is driven by the generation and use of data, is an integral part of the Union internal market that can bring benefits to both Union citizens and the economy. Digital technologies relying on data are increasingly driving change in financial markets by **innovating**, producing new business models, products and ways for firms to engage with customers.

Or. en

## Amendment 157

Fulvio Martusciello, Herbert Dorfmann

### Proposal for a regulation

#### Recital 3

*Text proposed by the Commission*

(3) The Union has a stated policy interest in enabling access of customers of financial institutions to their financial data. The Commission confirmed in its communication on a digital finance strategy and Communication on a capital markets union adopted in 2021 an intention to put in place a framework for financial data access to reap the benefits for customers of data **sharing** in the financial sector. Such benefits include the development and provision of data-driven financial products and financial services, made possible by the **sharing** of customer data.

*Amendment*

(3) The Union has a stated policy interest in enabling access of customers of financial institutions to their financial data. The Commission confirmed in its communication on a digital finance strategy and Communication on a capital markets union adopted in 2021 an intention to put in place a framework for financial data access to reap the benefits for customers of **unlocking their** data in the financial sector. Such benefits include the development and provision **by the financial sector** of data-driven financial products and financial services, made possible by the **re-use** of customer data. **By creating synergies with data from other relevant sectors, the innovative potential of such financial products and financial**

*services could be further enhanced to the benefit of customers and the overall data economy. The goal of the European Commission should be a data sharing across sectors, as promoted by its strategy for data.*

Or. en

**Amendment 158**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) The Union has a stated policy interest in enabling access of customers of financial institutions to their financial data. The Commission confirmed in its communication on a digital finance strategy and Communication on a capital markets union adopted in 2021 an intention to put in place a framework for financial data access to reap the benefits for customers of data sharing in the financial sector. Such benefits include the development and provision of data-driven financial products and financial services, made possible by the sharing of customer data.

*Amendment*

(3) The Union has a stated policy interest in enabling access of customers of financial institutions to their financial data. The Commission confirmed in its communication on a digital finance strategy and Communication on a capital markets union adopted in 2021 an intention to put in place a framework for financial data access to reap the benefits for customers of data sharing in the financial sector. Such benefits include the development and provision of data-driven financial products and financial services, made possible by the sharing of customer data. *In order to actualise these benefits, financial institutions should have the possibility of developing and providing tailor-made and data-driven financial products and services for customers based on the sharing of customer data with their consent.*

Or. en

**Amendment 159**  
**Markus Ferber**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

(4) Within financial services, and as a result of the revised Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>7</sup>, the sharing of payments account data in the Union based on customer permission has begun to transform the way consumers and businesses use banking services. In order to build upon the measures in that Directive, a regulatory framework should be established for the sharing of customer data across the financial sector beyond payment account data. This should also be a building block for fully integrating the financial sector into the Commission's strategy for data<sup>8</sup> which promotes data sharing across sectors.

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<sup>7</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directive 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1593073685620&uri=CELEX%3A52020DC0066>

*Amendment*

(4) Within financial services, and as a result of the revised Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>7</sup>, the sharing of payments account data in the Union based on customer permission has begun to transform the way consumers and businesses use banking services. In order to build upon the measures in that Directive, a regulatory framework should be established for the sharing of customer data, ***which have been derived from financial services provided in the Union***, across the financial sector beyond payment account data. This should also be a building block for fully integrating the financial sector into the Commission's strategy for data<sup>8</sup> which promotes data sharing across sectors.

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<sup>7</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directive 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1593073685620&uri=CELEX%3A52020DC0066>

Or. en

**Amendment 160**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4 a) It should be noted that the costs of implementation of provisions to enable***

***Open Banking through PSD II were high for the sector, particularly smaller actors. While the Directive has allowed the development of new and innovative offerings to customers, a cost-benefit analysis is essential to ensure that the expansion of Open Banking to Open Finance is not prohibitive to firms, particularly smaller firms.***

Or. en

**Amendment 161**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4 a) This Regulation should only apply to financial data falling outside of the scope of the ‘open banking’ provisions under the Regulation (EU) [XXXX/XXXX] of the European Parliament and of the Council (PSR/PSD3).***

Or. en

**Amendment 162**  
**Ondřej Kovařík, Martin Hlaváček**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) Ensuring customer control and trust is imperative to build a well-functioning and effective data sharing framework in the financial sector. Ensuring effective customers’ control over data sharing contributes to innovation as well as customer confidence and trust in data sharing. As a result, effective control ***helps***

(5) Ensuring customer control and trust is imperative to build a well-functioning and effective data sharing framework in the financial sector. Ensuring effective customers’ control over data sharing contributes to innovation as well as customer confidence and trust in data sharing. As a result, effective control ***may***

overcome customer reluctance to share their data. Under the current Union framework, the data portability right of a data subject in accordance with the Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>9</sup> is limited to personal data and can be relied upon only where it is technically feasible to port the data. Customer data and technical interfaces in the financial sector beyond payment accounts are not standardised, rendering data sharing more costly. Further, the financial institutions are only legally obliged to make the payment data of their customers available.

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<sup>9</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

*help* overcome customer reluctance to share their data. Under the current Union framework, the data portability right of a data subject in accordance with the Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>9</sup> is limited to personal data and can be relied upon only where it is technically feasible to port the data. Customer data and technical interfaces in the financial sector beyond payment accounts are not standardised, rendering data sharing more costly *for businesses*. Further, the financial institutions are only legally obliged to make the payment data of their customers available.

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<sup>9</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. en

## **Amendment 163**

### **Frances Fitzgerald**

#### **Proposal for a regulation**

##### **Recital 6**

###### *Text proposed by the Commission*

(6) The Union's financial data economy therefore remains fragmented, characterised by uneven data sharing, barriers, and high stakeholder reluctance to engage in data sharing beyond payments accounts. Customers accordingly do not benefit from individualised, data-driven products and services that may fit their specific needs. The absence of personalised financial products limits the possibility to innovate, by offering more choice and

###### *Amendment*

(6) The Union's financial data economy therefore remains fragmented, characterised by uneven data sharing, barriers, and high stakeholder reluctance to engage in data sharing beyond payments accounts. Customers accordingly do not benefit from individualised, data-driven products and services that may fit their specific needs. The absence of personalised financial products limits the possibility to innovate, by offering more choice and

financial products and services for interested consumers who could otherwise benefit from data-driven tools that can support them to make informed choices, compare offerings in a user-friendly manner, and switch to more advantageous products that match their preferences based on their data. The existing barriers to business data sharing are preventing firms, in particular SMEs, *to benefit* from better, convenient and automated financial services.

financial products and services for interested consumers who could otherwise benefit from data-driven tools that can support them to make informed choices, compare offerings in a user-friendly manner, and switch to more advantageous products that match their preferences based on their data. The existing barriers to business data sharing are preventing firms, in particular SMEs, *from benefitting* from better, convenient and automated financial services.

Or. en

**Amendment 164**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6 a) The sharing of data should seek to enhance innovation, benefit customers, and to provide innovative personalised financial products or services based, where appropriate, on clear use cases. Examples may include: improving the mortgage credit market for consumers by ensuring choices that better suit the consumer's needs or personal circumstances; facilitating the provision of high-quality financial advice to customers; utilising energy efficiency, energy consumption and climate data to provide new financial services to consumers; developing vehicle data sharing frameworks so that insurers, among other stakeholders, can offer innovative products, reduce damages, help improve road safety and eco-friendly mobility, and stimulate future technological developments.***

Or. en



**Amendment 165**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) Making data available by way of high-quality application programming interfaces is essential to facilitate seamless and effective access to data. Beyond the area of payment accounts, however, only a minority of financial institutions that are data holders indicate that they make data available through technical interfaces like application programming interfaces. As incentives to develop such innovative services are absent, market demand for data access remains limited.

*Amendment*

(7) Making data available by way of high-quality ***technical interfaces like*** application programming interfaces is essential to facilitate seamless and effective access to data. Beyond the area of payment accounts, however, only a minority of financial institutions that are data holders indicate that they make data available through technical interfaces like application programming interfaces. As incentives to develop such innovative services are absent, market demand for data access remains limited. ***To foster efficient data sharing, data holders and data users should make use of existing application programming interfaces infrastructures and common standards as mandated under Directive (EU) 2015/2366 and Commission Delegated Regulation (EU) 2018/389.***

Or. en

**Amendment 166**  
**Ondřej Kovařík, Martin Hlaváček**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) A dedicated and harmonised framework for access to financial data is therefore ***necessary*** at Union level to respond to the needs of the digital economy and to remove barriers to a well-functioning internal market for data. Specific rules are required to address these barriers to promote better access to customer data and hence make it possible

*Amendment*

(8) A dedicated and harmonised framework for access to financial data is therefore ***desireable*** at Union level to respond to the needs of the digital economy and to remove barriers to a well-functioning internal market for data. Specific rules are required to address these barriers to promote better access to customer data and hence make it possible

for consumers and firms to realise the gains stemming from better financial products and services. Data-driven finance **would** facilitate industry transition from the traditional supply of standardised products to tailored solutions that are better suited to the customers' specific needs, including improved customer facing interfaces that enhance competition, improve user experience and ensure financial services that are focused on the customer as the end user.

for consumers and firms to realise the gains stemming from better financial products and services. Data-driven finance **could** facilitate industry transition from the traditional supply of standardised products to tailored solutions that are better suited to the customers' specific needs, including improved customer facing interfaces that enhance competition, improve user experience and ensure financial services that are focused on the customer as the end user.

Or. en

## Amendment 167

**Fulvio Martusciello, Herbert Dorfmann**

### Proposal for a regulation

#### Recital 9

*Text proposed by the Commission*

(9) The data included in the scope of this Regulation should demonstrate high value added for financial innovation as well as low financial exclusion risk for consumers. This Regulation should therefore not cover data related to the sickness and health insurance of a consumer in accordance with Directive 2009/138/EC of the European Parliament and of the Council<sup>10</sup> as well as data on life insurance products of a consumer in accordance with Directive 2009/138/EC other than life insurance contracts covered by insurance-based investment products. This Regulation should also not cover data collected as part of a creditworthiness assessment **of a consumer**. The sharing of customer data in the scope of this Regulation should respect the protection of confidential business data **and** trade secrets.

*Amendment*

(9) The data included in the scope of this Regulation should demonstrate high value added for financial innovation as well as low financial exclusion risk for consumers. This Regulation should therefore not cover data related to the sickness and health insurance of a consumer in accordance with Directive 2009/138/EC of the European Parliament and of the Council<sup>10</sup> as well as data on life insurance products of a consumer in accordance with Directive 2009/138/EC other than life insurance contracts covered by insurance-based investment products. This Regulation should also not cover data collected as part of a creditworthiness assessment. The sharing of customer data in the scope of this Regulation should respect the protection of confidential business data **of both the customer and data holder. An obligation to make data available to a data user shall not oblige the disclosure of trade secrets within the meaning of Directive (EU) 2016/943, including but not limited to mathematical**

*and methodological approaches.*

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<sup>10</sup> Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (recast) (OJ L 335, 17.12.2009, p. 1).

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<sup>10</sup> Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (recast) (OJ L 335, 17.12.2009, p. 1).

Or. en

## **Amendment 168** **Frances Fitzgerald**

### **Proposal for a regulation** **Recital 9**

#### *Text proposed by the Commission*

(9) The data included in the scope of this Regulation should demonstrate high value added for financial innovation as well as low financial exclusion risk for consumers. This Regulation should therefore not cover data related to the sickness and health insurance of a consumer in accordance with Directive 2009/138/EC of the European Parliament and of the Council<sup>10</sup> as well as data on life insurance products of a consumer in accordance with Directive 2009/138/EC other than life insurance contracts covered by insurance-based investment products. This Regulation should also not cover data collected as part of a creditworthiness assessment of a consumer. The sharing of customer data in the scope of this Regulation should respect the protection of confidential business data *and* trade secrets.

#### *Amendment*

(9) The data included in the scope of this Regulation should demonstrate high value added for financial innovation as well as low financial exclusion risk for consumers. This Regulation should therefore not cover data related to the sickness and health insurance of a consumer in accordance with Directive 2009/138/EC of the European Parliament and of the Council<sup>10</sup> as well as data on life insurance products of a consumer in accordance with Directive 2009/138/EC other than life insurance contracts covered by insurance-based investment products. This Regulation should also not cover data collected as part of a creditworthiness assessment of a consumer. The sharing of customer data in the scope of this Regulation should respect the protection of confidential business data *of both the customer and the data holder. Data that is required to be shared shall not include trade secrets within the meaning of Directive (EU) 2016/943, including but not limited to methodological approaches.*

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<sup>10</sup> Directive 2009/138/EC of the European

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Or. en

**Amendment 169**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9 a) For the purpose of the provision of financial services and product in scope of this Regulation, data holders and data users should comply with existing Union rules and guidelines regarding the access to and use of personal data.***

Or. en

**Amendment 170**  
**Stéphanie Yon-Courtin, Gilles Boyer**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) The ***sharing of the*** customer data in the scope of this Regulation should be based on the permission of the customer. The legal obligation on data holders to share customer data should be triggered once the customer has requested their data to be shared with a data user. ***This request can be submitted by a data user acting on behalf*** of the customer. Where the processing of personal data is involved, a data user should have a valid lawful basis for processing under Regulation (EU) 2016/679. The customers data can be

(10) The ***access of*** customer data in the scope of this Regulation should be based on the ***explicit*** permission of the customer. ***The client's permission to give access to his or her data should be obtained through an explicit consent, which should not be based solely on a "tick-the-box" approach or the use of generalising phrases. In seeking the explicit permission of the customer to use his or her data, the data users should specify what use they intend to make of the customer's data, should the customer***

processed for the agreed purposes in the context of the service provided. The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data user. When data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. When personal data processing is based on consent, a data subject **has the right** to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679.

**provide permission.** The legal obligation on data holders to share customer data should be triggered once the customer has **explicitly** requested their data to be shared with a data user. **The data user should be able to demonstrate how the best interest of the customer will be served and preserved. In accordance with Regulation (EU) [XXXX/XXXX] of the European Parliament of the Council (Data Act), an undertaking providing core platform services that has been designated as a gatekeeper under Regulation (EU) 2022/19251) cannot be eligible as data user under this Regulation. The limitation on granting access to gatekeepers would not exclude them from the market and prevent them from offering its services, as voluntary agreements between them and the data holders remain unaffected.**

Where the processing of personal data is involved, a data user should have a valid lawful basis for processing under Regulation (EU) 2016/679. The customers data can be processed **only** for the agreed purposes in the context of the service provided. **Under this Regulation, these purposes should be strictly limited to the provision of a financial product, a financial service or a financial information service.** The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data user **at any time and free of charge. For example,** when data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. **Similarly,** when personal data processing is based on consent, a data subject **should be able** to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679. **It should not be possible for the data user to transfer customer data to a third-party actor without this explicit permission, or**

*even to another entity within the same group.*

Or. en

### *Justification*

*Customer consent is at the heart of the Commission's proposal. In this respect, the provisions governing this consent should be strengthened. When a client gives his or her permission to share his or her data, it should not be as simple as ticking a box. Customers need to understand what data they are sharing and for what service. The access to consumer data held by data holders should be conditional on the provision of a financial service by data users. The users will have to demonstrate they have obtained the permission to access customer data. It could be useful to introduce rules on how the permission should be granted to make sure that the customer is aware of the extent of the permission avoiding that they allow something unintentionally. The customer should have no difficulty whatsoever in withdrawing their consent. Customers shall be able to withdraw their permission at any time, free of charge.*

## **Amendment 171**

**Fulvio Martusciello, Herbert Dorfmann**

### **Proposal for a regulation**

#### **Recital 10**

##### *Text proposed by the Commission*

(10) The **sharing of the** customer data in the scope of this Regulation should be based on the permission of the customer. The legal obligation on data holders to **share** customer data should be triggered once the customer has requested their data to be **shared with** a data user. **This request can be submitted by a data user acting on behalf of the customer.** Where the processing of personal data is involved, a data user should **have a** valid lawful **basis** for processing under Regulation (EU) 2016/679. The customers data can be processed for the agreed purposes in the context of the service provided. The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data

##### *Amendment*

(10) The **access of** customer data in the scope of this Regulation should be based on the **explicit** permission of the customer. **In seeking the explicit permission of the customer to use his or her data, the data users should specify what use they intend to make of the customer's data, should the customer provide permission.** The legal obligation on data holders to **enable access to** customer data should be triggered once the customer has **explicitly** requested their data to be **made accessible to** a data user. **In accordance with Regulation (EU) [2023/2854] of the European Parliament of the Council (Data Act), an undertaking providing core platform services that has been designated as a gatekeeper under Regulation (EU) 2022/19251b cannot be eligible as data user under this Regulation. The limitation on granting access to gatekeepers would not exclude them from**

user. When data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. When personal data processing is based on consent, a data subject **has the right** to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679.

***the market and prevent them from offering its services, as voluntary agreements between them and the data holders remain unaffected.*** Where the processing of personal data is involved, a data user should ***rely on one of the*** valid lawful ***bases*** for processing under ***Article 6 of*** Regulation (EU) 2016/679. The customers data can be processed ***only*** for the agreed purposes in the context of the service provided. ***Under this Regulation, these purposes should be strictly limited to the provision of a financial product, a financial service or a financial information service.*** The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data user ***at any time.*** ***For example,*** when data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. ***Similarly,*** when personal data processing is based on consent, a data subject ***should be able*** to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679. ***It should not be possible for the data user to transfer customer data to a third-party actor without this explicit permission, or even to another entity within the same group.***

Or. en

## Amendment 172

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

(10) The ***sharing of the*** customer data in the scope of this Regulation should be

*Amendment*

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on the **explicit** permission of the customer. **In seeking the explicit permission of the customer to use his or her data, the data users should specify what use they intend to make of the customer's data, should the customer provide permission.** The legal obligation on data holders to **enable access to** customer data should be triggered once the customer has **explicitly** requested their data to be **made accessible to** a data user. **In accordance with Regulation (EU) [XXXX/XXXX] of the European Parliament of the Council (Data Act), an undertaking providing core platform services that has been designated as a gatekeeper under Regulation (EU) 2022/19251b cannot be eligible as data user under this Regulation. The limitation on granting access to gatekeepers would not exclude them from the market and prevent them from offering its services, as voluntary agreements between them and the data holders remain unaffected.** Where the processing of personal data is involved, a data user should **rely on one of the** valid lawful **bases** for processing under **Article 6 of** Regulation (EU) 2016/679. The customer's data can be processed **only** for the agreed purposes in the context of the service provided. **Under this Regulation, these purposes should be strictly limited to the provision of a financial product, a financial service or a financial information service.** The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data user **at any time. For example,** when data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. **Similarly,** when personal data processing is based on consent, a data subject **should be able** to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679.



***It should not be possible for the data user to transfer customer data to a third-party actor without this explicit permission, or even to another entity within the same group.***

Or. en

## **Amendment 173**

**Ville Niinistö**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 10**

*Text proposed by the Commission*

(10) The sharing of the customer data in the scope of this Regulation should be based on the permission of the customer. The legal obligation on data holders to share customer data should be triggered once the customer has requested their data to be shared with a data user. ***This request can be submitted by a data user acting on behalf of the customer.*** Where the processing of personal data is involved, a data user should have a valid lawful basis for processing under Regulation (EU) 2016/679. The customers data can be processed for the agreed purposes in the context of the service provided. The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data user. When data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. When personal data processing is based on consent, a data subject has the right to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679.

*Amendment*

(10) The sharing of the customer data in the scope of this Regulation should be based on the permission of the customer. The legal obligation on data holders to share customer data should be triggered once the customer has requested their data to be shared with a data user. Where the processing of personal data is involved, a data user should ***be able to demonstrate they*** have a valid lawful basis for processing under ***article 6(1)(a) or (b) of*** Regulation (EU) 2016/679. The customers data can be processed for the agreed purposes in the context of the service provided. The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data user ***at any time***. When data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. When personal data processing is based on consent, a data subject has the right to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679.

**Amendment 174****Ondřej Kovařík, Martin Hlaváček****Proposal for a regulation****Recital 10***Text proposed by the Commission*

(10) The sharing of the customer data in the scope of this Regulation should be based on the permission of the customer. The legal obligation on data holders to share customer data should be triggered once the customer has requested their data to be shared with a data user. This request can be submitted by a data user acting on behalf of the customer. Where the processing of personal data is involved, a data user should have a valid lawful basis for processing under Regulation (EU) 2016/679. The customers data can be processed for the agreed purposes in the context of the service provided. The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data user. When data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. When personal data processing is based on consent, a data subject has the right to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679.

*Amendment*

(10) The sharing of the customer data in the scope of this Regulation should be based on the permission of the customer. The legal obligation on data holders to share customer data should be triggered once the customer has requested their data to be shared with a data user. This request can be submitted by a data user acting on behalf of the customer ***where permission has explicitly been granted***. Where the processing of personal data is involved, a data user should have a valid lawful basis for processing under Regulation (EU) 2016/679. The customers data can be processed for the agreed purposes in the context of the service provided. The processing of personal data must respect the principles of personal data protection, including lawfulness, fairness and transparency, purpose limitation and data minimisation. A customer has the right to withdraw the permission given to a data user ***at any time***. When data processing is necessary for the performance of a contract, a customer should be able to withdraw permissions according to the contractual obligations to which the data subject is party. When personal data processing is based on consent, a data subject has the right to withdraw his or her consent at any time, as provided for in Regulation (EU) 2016/679.

**Amendment 175**

**Frances Fitzgerald**

**Proposal for a regulation  
Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10 a) The sharing of customer data, based on the consent of the customer, would empower in particular the customer to have access to a wider range of financial services goods and services. It would provide the possibility for consumers to benefit from the opening of the Single Market to increased access of retail financial services products from other Member States. This in turn should lead to the availability of more competitive, consumer-focused and cheaper financial services and products.***

Or. en

**Amendment 176  
Frances Fitzgerald**

**Proposal for a regulation  
Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

***(10 b) This regulation should be implemented according to the standards of existing and future EU law in the area of privacy and data protection, as well as the values of the Single Market. Therefore, undertakings designated as gatekeepers under Regulation (EU) 2022/1925 of the European Parliament and of the Council should not be ineligible data users under this Regulation.***

Or. en

**Amendment 177**

**Markus Ferber**

**Proposal for a regulation**

**Recital 11**

*Text proposed by the Commission*

(11) Enabling customers to share their data on their current investments can encourage innovation in the provision of retail investment services. Primary data collection to complete a suitability and appropriateness assessment of a retail investor is time-intensive for a customer and constitutes a significant cost factor for advisors and distributors of investment, pension, and insurance-based investment products. ***The sharing of customer data on holdings of savings and investments in financial instruments including insurance-based investment products and data collected for the purposes of carrying out a suitability and appropriateness assessment can improve investment advice for consumers and has strong innovative potential, including in the development of personalised investment advice and investment management tools that can make retail investment advice more efficient. Such management tools are already being developed in the market and can develop more effectively in the context where a customer can share their investment-related data.***

*Amendment*

(11) Enabling customers to share their data on their current investments can encourage innovation in the provision of retail investment services. Primary data collection to complete a suitability and appropriateness assessment of a retail investor is time-intensive for a customer and constitutes a significant cost factor for advisors and distributors of investment, pension, and insurance-based investment products. ***Therefore, the inclusion of this type of data as well as the necessary prerequisites should be carefully assessed.***

Or. en

**Amendment 178**

**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**

**Recital 11**

*Text proposed by the Commission*

(11) Enabling customers to share their data on their current investments can encourage innovation in the provision of

*Amendment*

(11) Enabling customers to share their data on their current investments can encourage innovation in the provision of

retail investment services. ***Primary data collection to complete a suitability and appropriateness assessment of a retail investor is time-intensive for a customer and constitutes a significant cost factor for advisors and distributors of investment, pension, and insurance-based investment products.*** The sharing of customer data on holdings of savings and investments in financial instruments including insurance-based investment products ***and data collected for the purposes of carrying out a suitability and appropriateness assessment*** can improve investment advice for consumers and has strong innovative potential, including in the development of personalised investment advice and investment management tools that can make retail investment advice more efficient. Such management tools are already being developed in the market and can develop more effectively in the context where a customer can share their investment-related data.

retail investment services. The sharing of customer data on holdings of savings and investments in financial instruments including insurance-based investment products can improve investment advice for consumers and has strong innovative potential, including in the development of personalised investment advice and investment management tools that can make retail investment advice more efficient. Such management tools are already being developed in the market and can develop more effectively in the context where a customer can share their investment-related data.

Or. en

## **Amendment 179** **Frances Fitzgerald**

### **Proposal for a regulation** **Recital 12**

#### *Text proposed by the Commission*

(12) Customer data on balance, conditions or transaction details related to mortgages, loans and savings can enable customers to gain a better overview of their deposits and better meet their savings needs based on credit data. This Regulation should cover customer data beyond payment accounts defined in Directive (EU) 2015/2366. ***Credit accounts covered by a credit line which cannot be used for the execution of payment transactions to third parties should be within the scope of***

#### *Amendment*

(12) Customer data on balance, conditions or transaction details related to mortgages, loans and savings can enable customers to gain a better overview of their deposits and better meet their savings needs based on credit data. This Regulation should cover customer data beyond payment accounts defined in Directive (EU) 2015/2366<sup>11</sup>. This Regulation ***should not cover*** access to ***data on balances,*** conditions or transaction details ***of payment*** accounts as ***defined under***

*this Regulation. It should therefore be understood that this Regulation covers the access to the balance, conditions or transaction details related to mortgage credit agreements, loans, and savings accounts as well as the types of accounts not falling within the scope of the Directive (EU) 2015/2366<sup>11</sup>.*

Directive (EU) / Regulation (EU) [XXXX/XXXX] of the European Parliament of the Council (PSR/PSD3).

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<sup>11</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337 23.12.2015, p. 35).

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<sup>11</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337 23.12.2015, p. 35).

Or. en

**Amendment 180**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

*Amendment*

*(13) The customer data included in the scope of this Regulation should include sustainability-related information that should enable customers to more easily access financial services that are aligned with their sustainability preferences and sustainable finance needs, in line with the Commission's strategy for financing the transition to a sustainable economy<sup>12</sup>. Access to data relating to sustainability which may be contained in balance or transaction details related to a mortgage, credit, loan and savings account, as well as access to customer data relating to sustainability held by investment firms, can contribute to facilitating access to data needed to access sustainable finance or make investments into the green transition. Moreover, customer data in the*

*deleted*

*scope of this Regulation should include data which forms part of a creditworthiness assessment related to firms, including small and medium sized enterprises, and which can provide greater insight into the sustainability objectives of small firms. The inclusion of data used for the creditworthiness assessment related to firms should improve access to financing and streamline the application for loans. Such data should be limited to data on firms and should not infringe intellectual property rights.*

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*<sup>12</sup> Communication From the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions, Strategy for Financing the Transition to a Sustainable Economy, COM/2021/390 final*

Or. en

**Amendment 181**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) The customer data included in the scope of this Regulation should include sustainability-related information that should enable customers to more easily access financial services that are aligned with their sustainability preferences and sustainable finance needs, in line with the Commission's strategy for financing the transition to a sustainable economy<sup>12</sup>. Access to data relating to sustainability which may be contained in balance or transaction details related to a mortgage, credit, loan and savings account, as well as access to customer data relating to

*Amendment*

(13) The customer data included in the scope of this Regulation should include sustainability-related information that should enable customers to more easily access financial services that are aligned with their sustainability preferences and sustainable finance needs, in line with the Commission's strategy for financing the transition to a sustainable economy<sup>12</sup>. Access to data relating to sustainability which may be contained in balance or transaction details related to a mortgage, credit, loan and savings account, as well as access to customer data relating to

sustainability held by investment firms, can contribute to facilitating access to data needed to access sustainable finance or make investments into the green transition. ***Moreover, customer data in the scope of this Regulation should include data which forms part of a creditworthiness assessment related to firms, including small and medium sized enterprises, and which can provide greater insight into the sustainability objectives of small firms. The inclusion of data used for the creditworthiness assessment related to firms should improve access to financing and streamline the application for loans. Such data should be limited to data on firms and should not infringe intellectual property rights.***

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<sup>12</sup> Communication From the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions, Strategy for Financing the Transition to a Sustainable Economy, COM/2021/390 final

sustainability held by investment firms, can contribute to facilitating access to data needed to access sustainable finance or make investments into the green transition.

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<sup>12</sup> Communication From the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions, Strategy for Financing the Transition to a Sustainable Economy, COM/2021/390 final

Or. en

## **Amendment 182**

**Ondřej Kovařík, Martin Hlaváček**

### **Proposal for a regulation**

#### **Recital 13**

#### *Text proposed by the Commission*

(13) The customer data included in the scope of this Regulation should include sustainability-related information that should enable customers to more easily access financial services that are aligned with their sustainability preferences and sustainable finance needs, in line with the Commission's strategy for financing the transition to a sustainable economy<sup>12</sup>. Access to data relating to sustainability

#### *Amendment*

(13) The customer data included in the scope of this Regulation should include sustainability-related information, ***where applicable***, that should enable customers to more easily access financial services that are aligned with their sustainability preferences and sustainable finance needs, in line with the Commission's strategy for financing the transition to a sustainable economy<sup>12</sup>. Access to data relating to



which may be contained in balance or transaction details related to a mortgage, credit, loan and savings account, as well as access to customer data relating to sustainability held by investment firms, can contribute to facilitating access to data needed to access sustainable finance or make investments into the green transition. Moreover, customer data in the scope of this Regulation should include data which forms part of a creditworthiness assessment related to firms, including small and medium sized enterprises, and which can provide greater insight into the sustainability objectives of small firms. The inclusion of data used for the creditworthiness assessment related to firms should improve access to financing and streamline the application for loans. Such data should be limited to data on firms and should not infringe intellectual property rights.

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<sup>12</sup> Communication From the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions, Strategy for Financing the Transition to a Sustainable Economy, COM/2021/390 final

sustainability which may be contained in balance or transaction details related to a mortgage, credit, loan and savings account, as well as access to customer data relating to sustainability held by investment firms, can contribute to facilitating access to data needed to access sustainable finance or make investments into the green transition. Moreover, customer data in the scope of this Regulation should include data which forms part of a creditworthiness assessment related to firms, including small and medium sized enterprises, and which can provide greater insight into the sustainability objectives of small firms. The inclusion of data used for the creditworthiness assessment related to firms should improve access to financing and streamline the application for loans. Such data should be limited to data on firms and should not infringe intellectual property rights.

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<sup>12</sup> Communication From the Commission to the European Parliament, the Council, the European Economic And Social Committee and the Committee of the Regions, Strategy for Financing the Transition to a Sustainable Economy, COM/2021/390 final

Or. en

**Amendment 183**  
**Laurence Sailliet**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) Customer data related to the provision of non-life insurance are essential to enable insurance products and services important to the needs of customer like the protection of homes, vehicles, and other property. At the same time, the

*Amendment*

(14) Customer data related to the provision of non-life insurance are essential to enable insurance products and services important to the needs of customer like the protection of homes, vehicles, and other property. At the same time, the

collection of such data is often burdensome **and costly** and can act as a deterrent against seeking optimal insurance coverage by customers. To address this problem, it is therefore necessary to include such financial services within the scope of this Regulation. Customer data on insurance products within scope of this Regulation should include both insurance product information such as detail on an insurance coverage and data specific to the consumers' insured assets which are collected for the purposes of a demands and needs test. The sharing of such data should allow for the development of personalised tools for customers, such as insurance dashboards that could help consumers better manage their risks. It could also help customers to obtain products that are better targeted to their demands and needs, including through more valuable advice. This can contribute to more optimal insurance coverage for customers and increased financial inclusion of otherwise underserved consumers, by offering new or increased coverage. Moreover, the sharing of insurance data can be beneficial for more efficient supply of insurance including, in particular, at the stages of product design, underwriting, contract execution, including claims management, and risk mitigation.

collection of such data is **costly for advisers, distributors of investment products, pension products, insurance-based investment products and non-lifre insurance products, and** often burdensome **for customers** and can act as a deterrent against seeking optimal insurance coverage by customers. To address this problem, it is therefore necessary to include such financial services within the scope of this Regulation. Customer data on insurance products within scope of this Regulation should include both insurance product information such as detail on an insurance coverage and data specific to the consumers' insured assets which are collected for the purposes of a demands and needs test. The sharing of such data should allow for the development of personalised tools for customers, such as insurance dashboards that could help consumers better manage their risks. It could also help customers to obtain products that are better targeted to their demands and needs, including through more valuable advice. This can contribute to more optimal insurance coverage for customers and increased financial inclusion of otherwise underserved consumers, by offering new or increased coverage. Moreover, the sharing of insurance data can be beneficial for more efficient supply of insurance including, in particular, at the stages of product design, underwriting, contract execution, including claims management, and risk mitigation.

Or. en

**Amendment 184**  
**Engin Eroglu**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) The sharing of data on occupational

PE758.857v01-00

*Amendment*

(15) The sharing of data on occupational

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and personal pension savings **has strong innovative potential** for consumers. Pension savers often lack **sufficient** knowledge about their pension rights, which is related to the fact that data on such rights are often dispersed across different data holders. The sharing of data related to occupational and personal pension savings should **contribute to the development of pension tracking tools that provide savers with a comprehensive overview of their entitlements and retirement income both within specific Member States and cross-border in the Union**. Data on pension rights concerns in particular accrued pension entitlements, projected levels of retirement benefits, risks and guarantees of members and beneficiaries of occupational pension schemes. **Access to data related to occupational pensions is without prejudice to national social and labour law on the organisation of pension systems, including membership of schemes and the outcomes of collective bargaining agreements**.

and personal pension savings **can create added value** for consumers **in case they can choose the provider and the pension scheme. Especially in absence of national tracking systems** pension savers often lack **holistic** knowledge about their pension rights, which is related to the fact that data on such rights are often dispersed across different data holders. The sharing of data related to occupational and personal pension savings **according to this regulation should be aligned in terms of content, data access and data formats with national pension tracking systems. The national pension tracking systems that can most effectively ensure comprehensive overviews by including entitlements from the first and second pillar (public and occupational pension schemes) and in some cases also from third pillar personal schemes. Alignment is also desirable with regard to emerging forms of data exchange between national pension tracking systems, most notable the European Tracking System**. Data on pension rights concerns in particular accrued pension entitlements, projected levels of retirement benefits, risks and guarantees of members and beneficiaries of occupational pension schemes.

Or. en

#### *Justification*

*Pension tracking itself is not a “new” or “innovative” service. We therefore recommend a more guarded wording for the added value of tracking services based on the FIDA regulation. Especially national pension tracking systems that regularly include first pillar entitlements and also include entitlements of pillar 2 and or pillar 3 are generally more holistic than and offer a more reliable projection of retirement benefits in comparison to any conceivable FIDA-based tracking service.*

*Ultimately, the recital should also deal with the potential effect of FIDA-based tracking-services on already existing or emerging national tracking services. Due to the competence of Member States for “national social and labour law on the organisation of pension systems” we propose to delete the paragraph starting with “Access to data ....”.*

#### **Amendment 185**

**Frances Fitzgerald**

**Proposal for a regulation  
Recital 16**

*Text proposed by the Commission*

*Amendment*

**(16) Data which forms part of a creditworthiness assessment of a firm in the scope of this Regulation should consist of information which a firm provides to institutions and creditors as part of the loan application process or a request for a credit rating. This includes loan applications of micro, small, medium and large enterprises. It may include data collected by institutions and creditors as set out in Annex II of the European Banking Authority Guidelines on loan origination and monitoring<sup>13</sup>. Such data may include financial statements and projections, information on financial liabilities and arrears in payment, evidence of ownership of the collateral, evidence of insurance of the collateral and information on guarantees. Additional data may be relevant if the purpose of the loan application relates to the purchase of commercial real estate or real estate development.**

**deleted**

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<sup>13</sup> *EBA Final Report on Guidelines on loan origination and monitoring.pdf (europa.eu), 29.05.2020.*

Or. en

*Justification*

*Data collected as part of a loan application or request for a credit rating for companies should not be in scope*

**Amendment 186  
Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation  
Recital 16**

*Text proposed by the Commission*

*Amendment*

**(16) Data which forms part of a creditworthiness assessment of a firm in the scope of this Regulation should consist of information which a firm provides to institutions and creditors as part of the loan application process or a request for a credit rating. This includes loan applications of micro, small, medium and large enterprises. It may include data collected by institutions and creditors as set out in Annex II of the European Banking Authority Guidelines on loan origination and monitoring<sup>13</sup>. Such data may include financial statements and projections, information on financial liabilities and arrears in payment, evidence of ownership of the collateral, evidence of insurance of the collateral and information on guarantees. Additional data may be relevant if the purpose of the loan application relates to the purchase of commercial real estate or real estate development.**

**deleted**

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<sup>13</sup> *EBA Final Report on Guidelines on loan origination and monitoring.pdf (europa.eu), 29.05.2020.*

Or. en

**Amendment 187**  
**Markus Ferber**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

*Amendment*

(16) Data which forms part of a creditworthiness assessment of a firm in the scope of this Regulation should consist of information which a firm provides to institutions and creditors as part of the loan application process **or a request for a**

(16) Data which forms part of a creditworthiness assessment of a firm in the scope of this Regulation should consist of information which a firm provides to institutions and creditors as part of the loan application process. This includes loan

**credit rating.** This includes loan applications of micro, small, medium and large enterprises. It may include data collected by institutions and creditors as set out in Annex II of the European Banking Authority Guidelines on loan origination and monitoring<sup>13</sup>. Such data may include financial statements and projections, information on financial liabilities and arrears in payment, evidence of ownership of the collateral, evidence of insurance of the collateral and information on guarantees. Additional data may be relevant if the purpose of the loan application relates to the purchase of commercial real estate or real estate development.

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<sup>13</sup> EBA Final Report on Guidelines on loan origination and monitoring.pdf (europa.eu), 29.05.2020.

applications of micro, small, medium and large enterprises. It may include data collected by institutions and creditors as set out in Annex II of the European Banking Authority Guidelines on loan origination and monitoring<sup>13</sup>. Such data may include financial statements and projections, information on financial liabilities and arrears in payment, evidence of ownership of the collateral, evidence of insurance of the collateral and information on guarantees. Additional data may be relevant if the purpose of the loan application relates to the purchase of commercial real estate or real estate development.

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<sup>13</sup> EBA Final Report on Guidelines on loan origination and monitoring.pdf (europa.eu), 29.05.2020.

Or. en

#### *Justification*

*Data sharing is of limited use in case of credit rating agencies. The data used by CRAs is mostly data directly provided by the client. Most other data is of a commercially sensitive nature and should not be shared with competitors.*

### **Amendment 188 Frances Fitzgerald**

#### **Proposal for a regulation Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16 a) Data required to conduct Know-Your-Customer (KYC) processes by financial firms, including small and medium enterprises, can be valuable when onboarding new customers. Therefore, the sharing of such data should significantly contribute to lowering barriers to switching providers and therefore result in increased***

*competition and innovation for financial products and services to the benefit of customers.*

Or. en

**Amendment 189**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) As this Regulation is meant to oblige financial institutions to provide access to defined categories of data at the request of the customer when acting as data holders, and allow the sharing of data based on customer permission when financial institutions act as data users, it should provide a list of the financial institutions that may act as either a data holder, a data user or both. Financial institutions should therefore be understood to mean those entities that provide financial products and financial services or offer relevant information services to customers in the financial sector.

*Amendment*

(17) As this Regulation is meant to oblige financial institutions to provide access to defined categories of data at the request of the customer when acting as data holders, and allow the sharing of data based on customer permission when financial institutions act as data users, it should provide a list of the financial institutions that may act as either a data holder, a data user or both. Financial institutions should therefore be understood to mean those entities that provide financial products and financial services or offer relevant information services to customers in the financial sector. ***Data acquired from a third party where the data holder is not the original data holder should not be in the scope of this regulation.***

Or. en

**Amendment 190**  
**Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(19) The data use perimeter thus established in this Regulation and in the

*Amendment*

(19) The data use perimeter thus established in this Regulation and in the

accompanying **guidelines** (*'the guidelines'*) to be developed by the European Banking Authority (EBA) and the European Insurance and Occupational Pensions Authority (EIOPA) should provide a proportionate framework on how personal data related to a consumer that falls within the scope of this Regulation should be used. The data use perimeter ensures consistency between the scope of this Regulation, which excludes data that forms part of a creditworthiness assessment of a consumer as well as data related to life, health and sickness insurance of a consumer, and the scope of the **guidelines**, which set recommendations on how types of data originating from other areas of the financial sector that are in scope of this Regulation can be used to provide these products and services. **The guidelines** developed by the EBA should set out how other types of data that are in scope of this Regulation can be used to assess the credit score of a consumer. The **guidelines** developed by EIOPA should set out how data in scope of this Regulation can be used in products and services related to risk assessment and pricing in the case of life, health and sickness insurance products. **The guidelines** should be developed in a manner that is aligned to the needs of the consumer and proportionate to the provision of such products and services.

accompanying **regulatory technical standards** to be developed by the European Banking Authority (EBA) and the European Insurance and Occupational Pensions Authority (EIOPA) should provide a proportionate framework on how personal data related to a consumer that falls within the scope of this Regulation should be used. The data use perimeter ensures consistency between the scope of this Regulation, which excludes data that forms part of a creditworthiness assessment of a consumer as well as data related to life, health and sickness insurance of a consumer, and the scope of the **regulatory technical standards** which set recommendations on how types of data originating from other areas of the financial sector that are in scope of this Regulation can be used to provide these products and services.

**The regulatory technical standards** developed by the EBA should set out how other types of data that are in scope of this Regulation can be used to assess the credit score of a consumer. The **regulatory technical standards** developed by EIOPA should set out how data in scope of this Regulation can be used in products and services related to risk assessment and pricing in the case of life, health and sickness insurance products.

**The regulatory technical standards** should be developed in a manner that is aligned to the needs of the consumer and proportionate to the provision of such products and services. **The regulatory**



*technical standards developed by EIOPA and the EBA should also elaborate on the limits for combining ‘customer data’ with other types of personal data, such as personal data obtained from third party sources, such as from social media networks or from data brokers.*

Or. en

## **Amendment 191**

**Ville Niinistö**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 22**

*Text proposed by the Commission*

(22) The permission dashboard should display the permissions given by a customer, including when personal data are shared based on consent or are necessary for the performance of a contract. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. *The* permission dashboard should be used to manage existing permissions. Data holders should inform data users in real-time of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users should inform data holders in real-time of new and re-established permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under

*Amendment*

(22) The permission dashboard should display the permissions given by a customer, including when personal data are shared based on consent or are necessary for the performance of a contract. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but ***should not encourage or influence the consumer to grant access in a way that materially distorts or impairs their ability to make a free and informed decision, as*** the customer should remain responsible for managing such risk. ***It is essential that consumers know exactly what they are giving their permission for and that their rights under the GDPR apply. This information should be provided to consumers in clear and understandable language. To allow consumers to effectively stay in control of their data, the deployment of dark patterns and pre-ticketed boxes in dashboards are prohibited for the purpose of providing permissions to data sharing.*** The permission dashboard should be used to manage existing permissions. Data holders should inform data users in real-time of

Regulation (EU) 2016/679.

any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users should inform data holders in real-time of new and re-established permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under Regulation (EU) 2016/679.

Or. en

**Amendment 192**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) The permission dashboard should display the permissions given by a customer, including when personal data are shared based on consent or are necessary for the performance of a contract. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. The permission dashboard should be used to manage existing permissions. Data holders should inform data users *in real-time* of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users

*Amendment*

(22) The permission dashboard should display the permissions given by a customer, including when personal data are shared based on consent or are necessary for the performance of a contract. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. The permission dashboard should be used to manage existing permissions. Data holders should inform data users *immediately* of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users

should inform data holders *in real-time* of new and re-established permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under Regulation (EU) 2016/679.

should inform data holders *immediately* of new and re-established permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under Regulation (EU) 2016/679. ***The permission dashboard may be combined with the permission dashboard established under the Payment Services Regulation.***

Or. en

### Amendment 193

**Fulvio Martusciello, Herbert Dorfmann**

#### Proposal for a regulation

##### Recital 22

###### *Text proposed by the Commission*

(22) The permission dashboard should display the permissions given by a customer, ***including when personal data are shared based on consent or are necessary for the performance of a contract.*** The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. The permission dashboard should be used to manage existing permissions. Data ***holders*** should inform data ***users in real-time*** of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users should inform data holders ***in real-time*** of new ***and re-established*** permissions granted by customers, including the duration of validity of the permission and a

###### *Amendment*

(22) The permission dashboard should display the permissions given by a customer. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. The permission dashboard should be used to manage existing permissions. Data ***users*** should inform data ***holders immediately*** of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users should inform data holders ***immediately*** of new permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information

short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under Regulation (EU) 2016/679.

requirements under Regulation (EU) 2016/679.

Or. en

## Amendment 194

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

### Proposal for a regulation

#### Recital 22

##### *Text proposed by the Commission*

(22) The permission dashboard should display the permissions given by a customer, ***including when personal data are shared based on consent or are necessary for the performance of a contract***. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. The permission dashboard should be used to manage existing permissions. Data ***holders*** should inform data ***users in real-time*** of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users should inform data holders ***in real-time*** of new ***and re-established*** permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under Regulation (EU) 2016/679.

##### *Amendment*

(22) The permission dashboard should display the permissions given by a customer. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. The permission dashboard should be used to manage existing permissions. Data ***users*** should inform data ***holders immediately*** of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users should inform data holders ***immediately*** of new permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under Regulation (EU) 2016/679.

Or. en

**Amendment 195**  
**Ondřej Kovařík, Martin Hlaváček**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) The permission dashboard should display the permissions given by a customer, including when personal data are shared based on consent or are necessary for the performance of a contract. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. The permission dashboard should be used to manage existing permissions. Data holders should inform data users *in real-time* of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users should inform data holders in real-time of new and re-established permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under Regulation (EU) 2016/679.

*Amendment*

(22) The permission dashboard should display the permissions given by a customer, including when personal data are shared based on consent or are necessary for the performance of a contract. The permission dashboard should warn a customer in a standard way of the risk of possible contractual consequences of the withdrawal of a permission, but the customer should remain responsible for managing such risk. The permission dashboard should be used to manage existing permissions. Data holders should inform data users *due time* of any withdrawal of a permission. The permission dashboard should include a record of permissions that have been withdrawn or have expired for a period of up to two years to allow the customer to keep track of their permissions in an informed and impartial manner. Data users should inform data holders in real-time of new and re-established permissions granted by customers, including the duration of validity of the permission and a short summary of the purpose of the permission. The information provided on the permission dashboard is without prejudice to the information requirements under Regulation (EU) 2016/679.

Or. en

**Amendment 196**  
**Othmar Karas**

**Proposal for a regulation**  
**Recital 23**

(23) To ensure proportionality, certain financial institutions are out of the scope of this Regulation for reasons associated with their size or the services they provide, which would make it too difficult to comply with this regulation. These include institutions for occupational retirement provision which operate pension schemes which together do not have more than 15 members in total, as well as insurance intermediaries who are microenterprises or small or medium-sized enterprises. In addition, small or medium-sized enterprises acting as data holders that are within the scope of this Regulation should be allowed to establish an application programming interface jointly, reducing the costs for each of them. They can also avail themselves of external technology providers which run application programming interfaces in a pooled manner for financial institutions and may charge them only a low fixed usage fee and work largely on a pay-per-call basis.

(23) To ensure proportionality, certain financial institutions are out of the scope of this Regulation for reasons associated with their size or the services they provide, which would make it too difficult to comply with this regulation. These include institutions for occupational retirement provision which operate pension schemes which together do not have more than 15 members in total, as well as insurance intermediaries who are microenterprises or small or medium-sized enterprises. In addition, small or medium-sized enterprises acting as data holders that are within the scope of this Regulation should be allowed to establish an application programming interface jointly, reducing the costs for each of them. They can also avail themselves of external technology providers which run application programming interfaces in a pooled manner for financial institutions and may charge them only a low fixed usage fee and work largely on a pay-per-call basis. ***Small enterprises should only fall into the scope of this Regulation 12 months after the date of application of this Regulation, due to potentially limited supply and/or high costs of these solutions in the short term.***

Or. en

*Justification*

*This amendment aims to complement the proportionality elements referred to in Recital 23 by delaying the date of application for small enterprises (who employ fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million) as defined in Recommendation 2003/361/EC by an additional 12 months. Although bundling resources for application programming interfaces or pay-per-call services by external technology providers may lower the costs for smaller enterprises, an extension of the application date is justified due to potentially limited supply and/or high costs of these solutions in the short term.*

**Amendment 197**  
**Isabel Benjumea Benjumea**

**Proposal for a regulation**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

**(23a) This Regulation sets out a series of requirements, such as the digitisation of data or the provision of data to customers free of charge and in real time, which incur costs for and place burdens on the entities falling under its scope of application. The Commission is therefore urged to conduct an in-depth analysis of the costs to which they give rise so as to ensure that no business is potentially disadvantaged.**

Or. es

**Amendment 198**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

*Amendment*

(24) This Regulation introduces a new legal obligation on financial institutions acting as data holders **to share** defined categories of data **at request of the customer**. The obligation on data holders to **share** data at the request of the customer should be specified by making available generally recognised standards to also ensure that the data **shared** is of a sufficiently high quality. The data holder should make customer data available **continuously** for the purposes and under the conditions for which the customer has granted permission to a data user. Continuous access could consist of multiple requests to make customer data available to fulfil the service agreed with the customer. It could also consist of a **one-off** access to customer data. While the data holder is responsible for the interface to be

(24) This Regulation introduces a new legal obligation on financial institutions, **when members of a financial data access scheme are** acting as data holders, **to provide data users with access to** defined categories of data **which are available digitally**. The obligation on data holders to **provide access to** data at the **expressed** request of the customer should be specified by making available generally recognised **EU-wide interoperable** standards to also ensure that the data **accessed** is of a sufficiently high quality. **The European Supervisory Authorities should be mandated to issue guidelines to ensure EU-wide interoperable data standards**. The data holder should make customer data available **only** for the purposes and under the conditions for which the customer has **explicitly** granted permission to a data user

available and for the interface to be of adequate quality, the interface may be provided not only by the data holder but also by another financial institution, an external IT provider, an industry association or a group of financial institutions, or by a public body in a member state. For institutions for occupational retirement *provisions*, the interface can be integrated into pension dashboards that cover a broader range of information, as long as it complies with the requirements of this Regulation.

*for a specific service which is clearly identified by the customer, where relevant and technically feasible, on a continuous basis.* Continuous access could consist of multiple requests to make customer data available to fulfil the service agreed with the customer. It could also consist of a *once-off* access to customer data. While the data holder is responsible for the interface to be available and for the interface to be of adequate quality, the interface may be provided not only by the data holder but also by another financial institution, an external IT provider, an industry association or a group of financial institutions, or by a public body in a member state. For institutions for occupational retirement *provision*, the interface can be integrated into pension dashboards *or existing pension tracking services* that cover a broader range of information, as long as it complies with the requirements of this Regulation

Or. en

## **Amendment 199**

### **Markus Ferber**

#### **Proposal for a regulation**

#### **Recital 24**

##### *Text proposed by the Commission*

(24) This Regulation introduces a new legal obligation on financial institutions acting as data holders to share defined categories of data at request of the customer. The obligation on data holders to share data at the request of the customer should be specified by making available generally recognised standards to also ensure that the data shared is of a sufficiently high quality. The data holder should make customer data available continuously for the purposes and under the conditions for which the customer has granted permission to a data user.

##### *Amendment*

(24) This Regulation introduces a new legal obligation on financial institutions acting as data holders to share defined categories of data at request of the customer *in the framework of a financial data sharing scheme*. The obligation on data holders to share data at the request of the customer should be specified by making available generally recognised standards to also ensure that the data shared is of a sufficiently high quality. The data holder should make customer data available continuously for the purposes and under the conditions for which the



Continuous access could consist of multiple requests to make customer data available to fulfil the service agreed with the customer. It could also consist of a one-off access to customer data. While the data holder is responsible for the interface to be available and for the interface to be of adequate quality, the interface may be provided not only by the data holder but also by another financial institution, an external IT provider, an industry association or a group of financial institutions, or by a public body in a member state. For institutions for occupational retirement provisions, the interface can be integrated into pension dashboards that cover a broader range of information, as long as it complies with the requirements of this Regulation.

customer has granted permission to a data user. Continuous access could consist of multiple requests to make customer data available to fulfil the service agreed with the customer. It could also consist of a one-off access to customer data. While the data holder is responsible for the interface to be available and for the interface to be of adequate quality, the interface may be provided not only by the data holder but also by another financial institution, an external IT provider, an industry association or a group of financial institutions, or by a public body in a member state. For institutions for occupational retirement provisions, the interface can be integrated into pension dashboards that cover a broader range of information, as long as it complies with the requirements of this Regulation.

Or. en

**Amendment 200**  
**Isabel Benjumea Benjumea**

**Proposal for a regulation**  
**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) With a view to ensuring a level playing field and avoiding any competitive disadvantage, entities excluded from the scope of this Regulation shall under no circumstances be obliged to share data collected through their work with data users as defined in this Regulation. This includes, for example, data collected by insurance intermediaries that are SMEs or micro-enterprises for the purposes of either a demands and needs assessment pursuant to Article 20 of Directive (EU) 2016/97 of the European Parliament and Council or an appropriateness and suitability assessment pursuant to Article 30 of said Directive.***

**Amendment 201**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) In order to enable the contractual and technical interaction necessary for implementing data access between multiple financial institutions, data holders and data users should be required to be part of financial data **sharing** schemes. These schemes should develop data and interface standards, joint standardised contractual frameworks governing access to specific datasets, and governance rules related to data **sharing**. In order to ensure that schemes function effectively, it is necessary to establish general principles for the governance of these schemes, including rules on inclusive governance and participation of data holders, data users and customers (to ensure balanced representation in schemes), transparency requirements, and a well-functioning appeal and review procedure (notably around the decision-making of schemes). Financial data **sharing** schemes must comply with Union rules in the area of consumer protection and data protection, privacy, and competition. The participants in such schemes are also encouraged to draw up codes of conduct **similar to those prepared by controllers and processors under** Article 40 of Regulation (EU) 2016/679. While such schemes may build upon existing market initiatives, the requirements set out in this Regulation should be specific to financial data **sharing** schemes or parts thereof which market participants use to fulfil their obligations under this Regulation after the data of application of these obligations.

*Amendment*

(25) In order to enable the contractual and technical interaction necessary for implementing data access between multiple financial institutions, data holders and data users should be required to be part of financial data **access** schemes. These schemes should develop data and **EU-wide interoperable** interface standards, joint standardised contractual frameworks governing access to specific datasets, and governance rules related to data **access and re-use**. In order to ensure that schemes function effectively **across the EU Single Market**, it is necessary to establish general principles for the governance of these schemes, including rules on inclusive governance and participation of data holders, data users and customers (to ensure balanced representation in schemes), transparency requirements, and a well-functioning appeal and review procedure (notably around the decision-making of schemes). Financial data **access** schemes must comply with Union rules in the area of consumer protection and data protection, privacy, and competition. The participants in such schemes are also encouraged to draw up codes of conduct **in accordance with** Article 40 of Regulation (EU) 2016/679. While such schemes may build upon existing market initiatives, the requirements set out in this Regulation should be specific to financial data **access** schemes or parts thereof which market participants use to fulfil their obligations under this Regulation after the data of application of these obligations. **These schemes should not be required to replace**

*or duplication existing data access schemes, including those established by way of the Directive (EU) 2015/2366, [insert reference – PSD], Regulation (EU) 2022/2554 and [insert reference – AMLR].*

Or. en

## **Amendment 202**

**Markus Ferber**

### **Proposal for a regulation**

#### **Recital 25**

##### *Text proposed by the Commission*

(25) In order to enable the contractual and technical interaction necessary for implementing data access between multiple financial institutions, data holders and data users should be required to be part of financial data sharing schemes. These schemes should develop data and interface standards, joint standardised contractual frameworks governing access to specific datasets, and governance rules related to data sharing. In order to ensure that schemes function effectively, it is necessary to establish general principles for the governance of these schemes, including rules on inclusive governance and participation of data holders, data users and customers (to ensure balanced representation in schemes), transparency requirements, and a well-functioning appeal and review procedure (notably around the decision-making of schemes). Financial data sharing schemes must comply with Union rules in the area of consumer protection and data protection, privacy, and competition. The participants in such schemes are also encouraged to draw up codes of conduct similar to those prepared by controllers and processors under Article 40 of Regulation (EU) 2016/679. While such schemes may build upon existing market initiatives, the

##### *Amendment*

(25) In order to enable the contractual and technical interaction necessary for implementing data access between multiple financial institutions, data holders and data users should be required to be part of financial data sharing schemes ***that can be established either on European or national level***. These schemes should develop data and interface standards, joint standardised contractual frameworks governing access to specific datasets, and governance rules related to data sharing. In order to ensure that schemes function effectively, it is necessary to establish general principles for the governance of these schemes, including rules on inclusive governance and participation of data holders, data users and customers (to ensure balanced representation in schemes), transparency requirements, and a well-functioning appeal and review procedure (notably around the decision-making of schemes). Financial data sharing schemes must comply with Union rules in the area of consumer protection and data protection, privacy, and competition. The participants in such schemes are also encouraged to draw up codes of conduct similar to those prepared by controllers and processors under Article 40 of Regulation (EU) 2016/679. While such schemes may

requirements set out in this Regulation should be specific to financial data sharing schemes or parts thereof which market participants use to fulfil their obligations under this Regulation after the data of application of these obligations.

build upon existing market initiatives, the requirements set out in this Regulation should be specific to financial data sharing schemes or parts thereof which market participants use to fulfil their obligations under this Regulation after the data of application of these obligations.

Or. en

### **Amendment 203**

**Ville Niinistö**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Recital 25**

##### *Text proposed by the Commission*

(25) In order to enable the contractual and technical interaction necessary for implementing data access between multiple financial institutions, data holders and data users should be required to be part of financial data sharing schemes. These schemes should develop data and interface standards, joint standardised contractual frameworks governing access to specific datasets, and governance rules related to data sharing. In order to ensure that schemes function effectively, it is necessary to establish general principles for the governance of these schemes, including rules on inclusive governance and participation of data holders, data users and customers (to ensure balanced representation in schemes), transparency requirements, and a well-functioning appeal and review procedure (notably around the decision-making of schemes). Financial data sharing schemes must comply with Union rules in the area of consumer protection and data protection, privacy, and competition. The participants in such schemes are also encouraged to draw up codes of conduct *similar to* those prepared by controllers and processors under Article 40 of Regulation (EU)

##### *Amendment*

(25) In order to enable the contractual and technical interaction necessary for implementing data access between multiple financial institutions, data holders and data users should be required to be part of financial data sharing schemes. These schemes should develop data and interface standards, joint standardised contractual frameworks governing access to specific datasets, and governance rules related to data sharing. In order to ensure that schemes function effectively, it is necessary to establish general principles for the governance of these schemes, including rules on inclusive governance and participation of data holders, data users and customers (to ensure balanced representation in schemes), transparency requirements, and a well-functioning appeal and review procedure (notably around the decision-making of schemes). Financial data sharing schemes must comply with Union rules in the area of consumer protection and data protection, privacy, and competition. The participants in such schemes are also encouraged to draw up codes of conduct *in accordance with* those prepared by controllers and processors under Article 40 of Regulation

2016/679. While such schemes may build upon existing market initiatives, the requirements set out in this Regulation should be specific to financial data sharing schemes or parts thereof which market participants use to fulfil their obligations under this Regulation after the data of application of these obligations.

(EU) 2016/679. While such schemes may build upon existing market initiatives, the requirements set out in this Regulation should be specific to financial data sharing schemes or parts thereof which market participants use to fulfil their obligations under this Regulation after the data of application of these obligations.

Or. en

## **Amendment 204**

**Fulvio Martusciello, Herbert Dorfmann**

### **Proposal for a regulation**

#### **Recital 25**

##### *Text proposed by the Commission*

(25) In order to enable the contractual and technical interaction necessary for implementing data access between multiple financial institutions, data holders and data users **should be** required to be part of financial data sharing schemes. These schemes should develop data and interface standards, joint standardised contractual frameworks governing access to specific datasets, and governance rules related to data sharing. In order to ensure that schemes function effectively, it is necessary to establish general principles for the governance of these schemes, including rules on inclusive governance and participation of data holders, data users and customers (to ensure balanced representation in schemes), transparency requirements, and a well-functioning appeal and review procedure (notably around the decision-making of schemes). Financial data sharing schemes must comply with Union rules in the area of consumer protection and data protection, privacy, and competition. The participants in such schemes are also encouraged to draw up codes of conduct similar to those prepared by controllers and processors under Article 40 of Regulation (EU)

##### *Amendment*

(25) In order to enable the contractual and technical interaction necessary for implementing data access between multiple financial institutions, data holders and data users **are** required to be part of financial data sharing schemes. These schemes should develop data and interface standards, joint standardised contractual frameworks governing access to specific datasets, and governance rules related to data sharing. In order to ensure that schemes function effectively, it is necessary to establish general principles for the governance of these schemes, including rules on inclusive governance and participation of data holders, data users and customers (to ensure balanced representation in schemes), transparency requirements, and a well-functioning appeal and review procedure (notably around the decision-making of schemes). Financial data sharing schemes must comply with Union rules in the area of consumer protection and data protection, privacy, and competition. The participants in such schemes are also encouraged to draw up codes of conduct similar to those prepared by controllers and processors under Article 40 of Regulation (EU)

2016/679. While such schemes may build upon existing market initiatives, the requirements set out in this Regulation should be specific to financial data sharing schemes or parts thereof which market participants use to fulfil their obligations under this Regulation after the data of application of these obligations.

2016/679. While such schemes may build upon existing market initiatives, the requirements set out in this Regulation should be specific to financial data sharing schemes or parts thereof which market participants use to fulfil their obligations under this Regulation after the data of application of these obligations.

Or. en

**Amendment 205**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Recital 26 b (new)**

*Text proposed by the Commission*

*Amendment*

***(26 b) In the setting up of financial data access schemes, all parties to the schemes should be involved. Competent authorities on both the European and national level should also be available for consultation by those setting up the schemes, and be ready to offer advice on best practice and examples of other schemes set up during the period running up to the application of this regulation.***

Or. en

*Justification*

*Across the text, where data sharing is stated, it should be changed to data access*

**Amendment 206**  
**Ondřej Kovařík, Martin Hlaváček**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

*Amendment*

***(27) In order to ensure the effectiveness of this Regulation, the power to adopt acts***

***deleted***

*in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of specifying the modalities and characteristics of a financial data sharing scheme in case a scheme is not developed by the data holders and the data users. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>17</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

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<sup>17</sup> OJ L 123, 12.5.2016, p. 1.

Or. en

**Amendment 207**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) Data holders and data users should be allowed to use existing market standards when developing common standards for mandatory data *sharing*.

*Amendment*

(28) Data holders and data users should be allowed to use existing market standards **and infrastructures for technical interfaces like application programming interfaces** when developing common standards for mandatory data *access*.

Or. en

## Amendment 208

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

### Proposal for a regulation

#### Recital 28

*Text proposed by the Commission*

(28) Data holders and data users should be allowed to use existing market standards when developing common standards for mandatory data *sharing*.

*Amendment*

(28) Data holders and data users should be allowed to use existing market standards ***and infrastructures for technical interfaces like application programming interfaces*** when developing common standards for mandatory data *access*.

Or. en

## Amendment 209

Giuseppe Ferrandino

### Proposal for a regulation

#### Recital 31

*Text proposed by the Commission*

(31) To promote consumer protection, enhance customer trust and ensure a level playing field, it is necessary to lay down rules on who is eligible to access customers' data. Such rules should ensure that all data users are authorised and supervised by competent authorities. This would ensure that data can be accessed only by regulated financial institutions or by firms subject to a dedicated authorisation as financial information service providers' ('FISPs') which is subject to this Regulation. Eligibility rules on FISPs, are needed to safeguard financial stability, market integrity and consumer protection, as FISPs would ***provide financial products and services to customers in the Union and would*** access data held by financial institutions and the integrity of which is essential to preserve the financial institutions' ability to continue providing financial services in a safe and sound manner. Such rules are also

*Amendment*

(31) To promote consumer protection, enhance customer trust and ensure a level playing field, it is necessary to lay down rules on who is eligible to access customers' data. Such rules should ensure that all data users are authorised and supervised by competent authorities. This would ensure that data can be accessed only by regulated financial institutions or by firms subject to a dedicated authorisation as financial information service providers' ('FISPs') which is subject to this Regulation. Eligibility rules on FISPs, are needed to safeguard financial stability, market integrity and consumer protection, as FISPs would access data held by financial institutions and the integrity of which is essential to preserve the financial institutions' ability to continue providing financial services in a safe and sound manner. Such rules are also required to guarantee the proper supervision of FISPs by competent authorities in line with their



required to guarantee the proper supervision of FISPs by competent authorities in line with their mandate to safeguard financial stability and integrity in the Union, which would allow FISPs to provide throughout the Union the services for which they are authorised.

mandate to safeguard financial stability and integrity in the Union, which would allow FISPs to provide throughout the Union the services for which they are authorised.

Or. en

### *Justification*

*It is suggested to amend the definition of the activities of FIPS in the recital to better align it with the definition of the proposed Regulation and ensure a level playing field.*

## **Amendment 210** **Frances Fitzgerald**

### **Proposal for a regulation** **Recital 31**

#### *Text proposed by the Commission*

(31) To promote consumer protection, enhance customer trust and ensure a level playing field, it is necessary to lay down rules on who is eligible to access customers' data. Such rules should ensure that all data users are authorised and supervised by competent authorities. This would ensure that data can be accessed only by regulated financial institutions or by firms subject to a dedicated authorisation as financial information service providers' ('FISPs') which is subject to this Regulation. Eligibility rules on FISPs, are needed to safeguard financial stability, market integrity and consumer protection, as FISPs would provide financial **products and** services to customers in the Union and would access data held by financial institutions and the integrity of which is essential to preserve the financial institutions' ability to continue providing financial services in a safe **and** sound manner. Such rules are also required to guarantee the proper supervision of FISPs by competent

#### *Amendment*

(31) To promote consumer protection, enhance customer trust and ensure a level playing field, it is necessary to lay down rules on who is eligible to access customers' data. Such rules should ensure that all data users are authorised and supervised by competent authorities. This would ensure that data can be accessed only by regulated financial institutions or by firms subject to a dedicated authorisation as financial information service providers' ('FISPs') which is subject to this Regulation. Eligibility rules on FISPs, are needed to safeguard financial stability, market integrity and consumer protection, as FISPs would provide financial **information** services to customers in the Union and would access data held by financial institutions and the integrity of which is essential to preserve the financial institutions' ability to continue providing financial services in a safe, sound, **and secure** manner. Such rules are also required to guarantee the proper supervision of FISPs by competent

authorities in line with their mandate to safeguard financial stability and integrity in the Union, which would allow FISPs to provide throughout the Union the services for which they are authorised.

authorities in line with their mandate to safeguard financial stability and integrity in the Union, which would allow FISPs to provide throughout the Union the **financial information** services for which they are authorised.

Or. en

## **Amendment 211**

**Fulvio Martusciello, Herbert Dorfmann**

### **Proposal for a regulation**

#### **Recital 31**

##### *Text proposed by the Commission*

(31) To promote consumer protection, enhance customer trust and ensure a level playing field, it is necessary to lay down rules on who is eligible to access customers' data. Such rules should ensure that all data users are authorised and supervised by competent authorities. This would ensure that data can be accessed only by regulated financial institutions or by firms subject to a dedicated authorisation as financial information service providers' ('FISPs') which is subject to this Regulation. Eligibility rules on FISPs, are needed to safeguard financial stability, market integrity and consumer protection, as FISPs would provide financial **products and services to customers in the Union** and would access data held by financial institutions and the integrity of which is essential to preserve the financial institutions' ability to continue providing financial services in a safe and sound manner. Such rules are also required to guarantee the proper supervision of FISPs by competent authorities in line with their mandate to safeguard financial stability and integrity in the Union, which would allow FISPs to provide throughout the Union the services for which they are authorised.

##### *Amendment*

(31) To promote consumer protection, enhance customer trust and ensure a level playing field, it is necessary to lay down rules on who is eligible to access customers' data. Such rules should ensure that all data users are authorised and supervised by competent authorities. This would ensure that data can be accessed only by regulated financial institutions or by firms subject to a dedicated authorisation as financial information service providers' ('FISPs') which is subject to this Regulation. Eligibility rules on FISPs, are needed to safeguard financial stability, market integrity and consumer protection, as FISPs would provide financial **information** services and would access data held by financial institutions and the integrity of which is essential to preserve the financial institutions' ability to continue providing financial services in a safe and sound manner. Such rules are also required to guarantee the proper supervision of FISPs by competent authorities in line with their mandate to safeguard financial stability and integrity in the Union, which would allow FISPs to provide throughout the Union the **financial information** services for which they are authorised.

**Amendment 212****Marco Zanni, Valentino Grant, Antonio Maria Rinaldi****Proposal for a regulation****Recital 31***Text proposed by the Commission*

(31) To promote consumer protection, enhance customer trust and ensure a level playing field, it is necessary to lay down rules on who is eligible to access customers' data. Such rules should ensure that all data users are authorised and supervised by competent authorities. This would ensure that data can be accessed only by regulated financial institutions or by firms subject to a dedicated authorisation as financial information service providers' ('FISPs') which is subject to this Regulation. Eligibility rules on FISPs, are needed to safeguard financial stability, market integrity and consumer protection, as FISPs would provide financial **products and services to customers in the Union** and would access data held by financial institutions and the integrity of which is essential to preserve the financial institutions' ability to continue providing financial services in a safe and sound manner. Such rules are also required to guarantee the proper supervision of FISPs by competent authorities in line with their mandate to safeguard financial stability and integrity in the Union, which would allow FISPs to provide throughout the Union the services for which they are authorised.

*Amendment*

(31) To promote consumer protection, enhance customer trust and ensure a level playing field, it is necessary to lay down rules on who is eligible to access customers' data. Such rules should ensure that all data users are authorised and supervised by competent authorities. This would ensure that data can be accessed only by regulated financial institutions or by firms subject to a dedicated authorisation as financial information service providers' ('FISPs') which is subject to this Regulation. Eligibility rules on FISPs, are needed to safeguard financial stability, market integrity and consumer protection, as FISPs would provide financial **information** services and would access data held by financial institutions and the integrity of which is essential to preserve the financial institutions' ability to continue providing financial services in a safe and sound manner. Such rules are also required to guarantee the proper supervision of FISPs by competent authorities in line with their mandate to safeguard financial stability and integrity in the Union, which would allow FISPs to provide throughout the Union the **financial information** services for which they are authorised

**Amendment 213****Isabel Benjumea Benjumea**

**Proposal for a regulation**  
**Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

***(31a) Providers of financial information services as defined in this Regulation shall be data users authorised to provide financial information services. Financial information services shall be services provided with the aim of imparting information to customers on financial products falling within the scope of the Regulation. Financial information services may consist, for instance, in analytical, comparative and aggregation activities. The providers of such services shall in no event be authorised to conduct, for example, activities regulated by existing sector-specific financial legislation. These activities shall be carried out by entities regulated by the relevant sector-specific legislation. As such, these providers shall not be authorised, for example, to provide financial advice or to carry out insurance distribution activities regulated under Directive (EU) 2016/97 or Directive 2014/65/EU.***

Or. es

**Amendment 214**

**Ville Niinistö**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Recital 33**

*Text proposed by the Commission*

*Amendment*

(33) In order to enable effective supervision and to eliminate the possibility of evading or circumventing supervision, financial information service providers must be either legally incorporated in the Union or in case they are incorporated in a third country appoint a legal representative

(33) In order to enable effective supervision and to eliminate the possibility of evading or circumventing supervision, financial information service providers must be either legally incorporated in the Union or in case they are incorporated in a third country appoint a legal representative

in the Union. An effective supervision by the competent authorities is necessary for the enforcement of requirements under this Regulation to ensure integrity and stability of the financial system and to protect consumers. ***The requirement of legal incorporation of financial information service providers in the Union or the appointment of a legal representative in the Union does not amount to data localisation since this Regulation does not entail any further requirement on data processing including storage to be undertaken in Union.***

in the Union. An effective supervision by the competent authorities is necessary for the enforcement of requirements under this Regulation to ensure integrity and stability of the financial system and to protect consumers.

Or. en

**Amendment 215**  
**Stéphanie Yon-Courtin, Gilles Boyer**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In order to enable effective supervision and to eliminate the possibility of evading or circumventing supervision, financial information service providers must ***be either legally incorporated in the Union or in case they are incorporated in a third country appoint a legal representative in the Union.*** An effective supervision by the competent authorities is necessary for the enforcement of requirements under this Regulation to ensure integrity and stability of the financial system and to protect consumers. The requirement of legal incorporation of financial information service providers in the Union or the appointment of a legal representative in the Union does not amount to data localisation since this Regulation does not entail any further requirement on data processing including storage to be undertaken in Union.

*Amendment*

(33) In order to enable effective supervision and to eliminate the possibility of evading or circumventing supervision, financial information service providers must ***only be provided by legal persons that have a registered office in a Member State in which they intend to carry out or do carry out substantive business activities*** An effective supervision by the competent authorities is necessary for the enforcement of requirements under this Regulation to ensure integrity and stability of the financial system and to protect consumers. The requirement of legal incorporation of financial information service providers in the Union or the appointment of a legal representative in the Union does not amount to data localisation since this Regulation does not entail any further requirement on data processing including storage to be undertaken in Union.

Or. en

## *Justification*

*Only FISPs established in the Union or regulated entities should have access to customer data under FIDA. To protect consumers from potential misuse of their data by third-country entities, ensure better supervision of these entities and a better level playing field, FISPs should only be allowed access to EU customer data if they are established in the EU and authorized by a competent authority, opposing the possibility for non-EU businesses to obtain authorization as FISPs.*

### **Amendment 216**

**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

#### **Proposal for a regulation**

##### **Recital 33**

###### *Text proposed by the Commission*

(33) In order to enable effective supervision and to eliminate the possibility of evading or circumventing supervision, financial information service providers must ***be either legally incorporated in the Union or in case they are incorporated in a third country appoint a legal representative in the Union***. An effective supervision by the competent authorities is necessary for the enforcement of requirements under this Regulation to ensure integrity and stability of the financial system and to protect consumers. The requirement of legal incorporation of financial information service providers in the Union ***or the appointment of a legal representative in the Union*** does not amount to data localisation since this Regulation does not entail any further requirement on data processing including storage to be undertaken in Union.

###### *Amendment*

(33) In order to enable effective supervision and to eliminate the possibility of evading or circumventing supervision, financial information service providers must ***only be provided by legal persons that have a registered office in a Member State in which they intend to carry out or do carry out substantive business activities***. An effective supervision by the competent authorities is necessary for the enforcement of requirements under this Regulation to ensure integrity and stability of the financial system and to protect consumers. The requirement of legal incorporation of financial information service providers in the Union does not amount to data localisation since this Regulation does not entail any further requirement on data processing including storage to be undertaken in Union.

Or. en

### **Amendment 217**

**Fulvio Martusciello, Herbert Dorfmann**

#### **Proposal for a regulation**

##### **Recital 33**

*Text proposed by the Commission*

(33) In order to enable effective supervision and to eliminate the possibility of evading or circumventing supervision, financial information service providers must ***be either legally incorporated in the Union or in case they are incorporated in a third country appoint a legal representative in the Union***. An effective supervision by the competent authorities is necessary for the enforcement of requirements under this Regulation to ensure integrity and stability of the financial system and to protect consumers. The requirement of legal incorporation of financial information service providers in the Union ***or the appointment of a legal representative in the Union*** does not amount to data localisation since this Regulation does not entail any further requirement on data processing including storage to be undertaken in Union.

*Amendment*

(33) In order to enable effective supervision and to eliminate the possibility of evading or circumventing supervision, financial information service providers must ***only be provided by legal persons that have a registered office in a Member State in which they intend to carry out or do carry out substantive business activities***. An effective supervision by the competent authorities is necessary for the enforcement of requirements under this Regulation to ensure integrity and stability of the financial system and to protect consumers. The requirement of legal incorporation of financial information service providers in the Union does not amount to data localisation since this Regulation does not entail any further requirement on data processing including storage to be undertaken in Union.

Or. en

**Amendment 218**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) A financial information service provider should be authorised in the jurisdiction of the Member State where its main establishment is located, that is, where the financial information service provider has its head office or registered office within which the principal functions and operational control are exercised. ***In respect of financial information service providers that do not have an establishment in the Union but require access to data in the Union and therefore fall within the scope of this Regulation,***

*Amendment*

(34) A financial information service provider should be authorised in the jurisdiction of the Member State where its main establishment is located, that is, where the financial information service provider ***intends to carry out substantive business activities and where it*** has its head office or registered office within which the principal functions and operational control are exercised.

*the Member State where those financial information service providers have appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation.*

Or. en

## Amendment 219

Stéphanie Yon-Courtin, Gilles Boyer

### Proposal for a regulation

#### Recital 34

*Text proposed by the Commission*

(34) A financial information service provider should be authorised in the jurisdiction of the Member State where its main establishment is located, that is, where the financial information service provider has its head office or registered office within which the principal functions and operational control are exercised. ***In respect of financial information service providers that do not have an establishment in the Union but require access to data in the Union and therefore fall within the scope of this Regulation, the Member State where those financial information service providers have appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation.***

*Amendment*

(34) A financial information service provider should be authorised in the jurisdiction of the Member State where its main establishment is located, that is, where the financial information service provider ***intends to carry out substantive business activities and where it*** has its head office or registered office within which the principal functions and operational control are exercised.

Or. en

*Justification*

*Only FISPs established in the Union or regulated entities should have access to customer data under FIDA. To protect consumers from potential misuse of their data by third-country entities, ensure better supervision of these entities and a better level playing field, FISPs should only be allowed access to EU customer data if they are established in the EU and authorized by a competent authority, opposing the possibility for non-EU businesses to obtain authorization as FISPs.*



## Amendment 220

Ville Niinistö

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Recital 48

##### *Text proposed by the Commission*

(48) Regulation (EU) 2016/679 applies when personal data are processed. It provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to share customer personal and non-personal data upon customer's request and mandates the technical feasibility of access and sharing for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. Personal data that are made available and shared with a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when applicable, where the requirements of Article 9 of that Regulation on the processing of special categories of data are met.

##### *Amendment*

(48) Regulation (EU) 2016/679 applies when personal data are processed. It provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to share customer personal and non-personal data upon customer's request and mandates the technical feasibility of access and sharing for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article **6(1)(a) or (b) of Regulation (EU) 2016/679. Permission should not be construed as 'consent' or 'explicit consent' or 'necessity for the performance of a contract' as defined in Regulation (EU) 2016/679. Processing of personal data in the context of this Regulation should be carried out in accordance with Regulation (EU) 2016/679 and Regulation (EU) 2018/1725, as well as, where applicable, with the ePrivacy Directive. In case of mixed datasets, where personal and non-personal data are inextricably linked, the**

*protections in EU data protection legislation and in this Regulation concerning personal data shall be fully applicable.*

Or. en

## Amendment 221

Fulvio Martusciello, Herbert Dorfmann

### Proposal for a regulation

#### Recital 48

##### *Text proposed by the Commission*

(48) Regulation (EU) 2016/679 **applies when personal data are processed. It** provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to **share** customer personal and non-personal data upon customer's request and mandates the technical feasibility of access **and sharing** for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. Personal data that are made available **and shared with** a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when applicable, where the requirements of Article 9 of that Regulation on the processing of special categories of data are met.

##### *Amendment*

(48) **Processing of personal data in the context of this Regulation should be carried out in accordance with Regulation (EU) 2016/679 and Regulation (EU) 2018/1725, as well as, where applicable, with Directive 2002/58/EC of the European Parliament and of the Council (ePrivacy Directive).** Regulation (EU) 2016/679 provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to **provide access to and enable re-use of** customer personal and non-personal data upon customer's request and mandates the technical feasibility of access for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. **Permission should not be construed as 'consent' or 'necessity for the performance of a contract' as defined in Regulation (EU) 2016/679.** Personal data that are made available **to** a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when

applicable, where the requirements of Article 9 of that Regulation on the processing of special categories of data are met.

Or. en

## Amendment 222

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

### Proposal for a regulation

#### Recital 48

##### *Text proposed by the Commission*

(48) Regulation (EU) 2016/679 **applies when personal data are processed. It** provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to **share** customer personal and non-personal data upon customer's request and mandates the technical feasibility of access **and sharing** for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. Personal data that are made available **and shared with** a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when applicable, where the requirements of Article 9 of that Regulation on the processing of special categories of data are met.

##### *Amendment*

(48) **Processing of personal data in the context of this Regulation should be carried out in accordance with** Regulation (EU) 2016/679 **and Regulation (EU) 2018/1725, as well as, where applicable, with Directive 2002/58/EC of the European Parliament and of the Council (ePrivacy Directive).** Regulation (EU) 2016/679 provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to **provide access to and enable re-use of** customer personal and non-personal data upon customer's request and mandates the technical feasibility of access for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. **Permission should not be construed as 'consent' or 'necessity for the performance of a contract' as defined in Regulation (EU) 2016/679.** Personal data that are made available **to** a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when

applicable, where the requirements of Article 9 of that Regulation on the processing of special categories of data are met.

Or. en

## Amendment 223

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

### Proposal for a regulation

#### Recital 48

##### *Text proposed by the Commission*

(48) Regulation (EU) 2016/679 ***applies when personal data are processed. It*** provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to share customer personal and non-personal data upon customer's request and mandates the technical feasibility of access and sharing for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. Personal data that are made available and shared with a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when applicable, where the requirements of Article 9 of that Regulation on the processing of special categories of data are met.

##### *Amendment*

(48) ***Processing of personal data in the context of this Regulation should be carried out in accordance with Regulation (EU) 2016/679 and Regulation (EU) 2018/1725, as well as, where applicable, with the ePrivacy Directive. Regulation (EU) 2016/679*** provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to share customer personal and non-personal data upon customer's request and mandates the technical feasibility of access and sharing for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. ***Permission should not be construed as 'consent' or 'explicit consent' or 'necessity for the performance of a contract' as defined in Regulation (EU) 2016/679.*** Personal data that are made available and shared with a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when applicable, where the requirements of

Article 9 of that Regulation on the processing of special categories of data are met.

Or. en

**Amendment 224**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Recital 48**

*Text proposed by the Commission*

(48) Regulation (EU) 2016/679 applies when personal data are processed. It provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to share customer personal and non-personal data upon customer's request and mandates the technical feasibility of access and sharing for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. Personal data that are made available and shared with a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when applicable, where the requirements of Article 9 of that Regulation on the processing of special categories of data are met.

*Amendment*

(48) Regulation (EU) 2016/679 applies when personal data are processed. It provides for the rights of a data subject, including the right of access and right to port personal data. This Regulation is without prejudice to the rights of a data subject provided under Regulation (EU) 2016/679, including the right of access and right to data portability. This Regulation creates a legal obligation to share customer personal and non-personal data upon customer's request and mandates the technical feasibility of access and sharing for all types of data within the scope of this Regulation. The granting of permission by a customer is without prejudice to the obligations of data users under Article 6 of Regulation (EU) 2016/679. ***Permission under this Regulation should not be inferred as 'consent' or 'explicit consent' or 'necessity for the performance of a contract' as defined in Regulation (EU) 2016/679 and should be in alignment with the Directive (EU) 2015/2366 and the Commission Delegated Regulation (EU) 2018/389.*** Personal data that are made available and shared with a data user should only be processed for services provided by a data user where there is a valid legal basis under Article 6(1) of Regulation (EU) 2016/679 and, when applicable, where the requirements of Article 9 of that Regulation on the processing of special categories of data are

met.

Or. en

**Amendment 225**

**Ville Niinistö**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***This Regulation is without prejudice to Regulation (EU) 2016/679, Regulation (EU) 2018/1725, Directive 2002/58/EC, Directive (EU) 2019/2161, Directive 93/13/EEC, and Directive 2011/83. In the event of a conflict between this Regulation and Union law on the protection of personal data or privacy, or national legislation adopted in accordance with such Union law, the relevant Union or national law on the protection of personal data or privacy shall prevail.***

Or. en

**Amendment 226**

**Ville Niinistö**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***This Regulation is without prejudice to Directive (EU) 2023/2225, Directive 2014/17/EU, Directive 2014/65/EU and Directive (EU) 2016/97.***

Or. en

**Amendment 227**

**Ville Niinistö**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 1 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

*This Regulation shall not affect the right of a customer to receive financial services and/or products without any additional costs from providers listed in article 2(2), shall they not avail themselves to the permission dashboard of article 8, or otherwise enable financial data sharing under the proposal. For the purposes of the implementation of this paragraph, the burden of proof shall lie with the data user.*

Or. en

**Amendment 228**

**Markus Ferber**

**Proposal for a regulation**

**Article 2 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. This Regulation applies to the following categories of customer data *on*:

1. This Regulation applies to the following categories of *basic* customer data, *which is derived from financial services provided within the Union*:

Or. en

*Justification*

*The scope should be limited to a basic set of data that can be easily standardised. The geographical scope of the regulation should be clarified.*

**Amendment 229**

**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) mortgage credit agreements, loans **and** accounts, except payment accounts as defined in the Payment Services Directive (EU) 2015/2366, including data on balance, **conditions** and transactions;

*Amendment*

(a) mortgage credit agreements **as defined in Directive (EU) 2021/2167**, loans **with installments provided by the data holder, and accounts, including credit card** accounts, except payment accounts as defined in the Payment Services Directive (EU) 2015/2366 **and technical accounts**, including data on balance and transactions;

Or. en

*Justification*

*To address the definition of mortgage credit agreements and to clarify that credit card accounts are covered by FIDA. Technical accounts should be excluded from scope as they are not a customer product.*

**Amendment 230**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) mortgage credit agreements, loans **and accounts**, except payment accounts as defined in the Payment Services Directive (EU) 2015/2366, including data on **balance**, conditions and transactions;

*Amendment*

(a) mortgage credit agreements **as defined in Directive (EU) 2014/17**, loans **to consumers as defined in Directive EU n. 2023/2225** , except payment accounts as defined in the Payment Services Directive (EU) 2015/2366, including data on , conditions and transactions.

Or. en

**Amendment 231**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point a**



*Text proposed by the Commission*

(a) mortgage credit agreements, **loans** and accounts, except payment accounts as defined in the Payment Services Directive (EU) 2015/2366, including data on balance, conditions and transactions;

*Amendment*

(a) mortgage credit agreements, **credit agreements** and accounts, except payment accounts as defined in the Payment Services Directive (EU) 2015/2366, including data on balance, conditions and transactions;

Or. en

**Amendment 232**

**Isabel Benjumea Benjumea**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) savings, investments in financial instruments, **insurance-based investment products**, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets; **including data collected for the purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council<sup>32</sup>**;

*Amendment*

(b) savings, investments in financial instruments, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets;

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<sup>32</sup> **Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).**

Or. es

**Amendment 233**

**Lídia Pereira**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets; ***including data collected for the purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council<sup>32</sup> ;***

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<sup>32</sup> ***Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).***

*Amendment*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets;

Or. en

**Amendment 234**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets; ***including data collected for the purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council<sup>32</sup> ;***

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<sup>32</sup> ***Directive 2014/65/EU of the European Parliament and of the Council of 15 May***

*Amendment*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets;

**2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).**

Or. en

*Justification*

*Data collected for the purposes of carrying out an assessment of suitability and appropriateness is not standardised yet. Hence, there is limited usability of including such data in the scope.*

**Amendment 235  
Frances Fitzgerald**

**Proposal for a regulation  
Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, ***real estate*** and other related financial assets as well as the economic benefits derived from such assets; ***including data collected for the purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council<sup>32</sup> ;***

*Amendment*

(b) savings ***comprising term deposits, structured deposits, and savings accounts,*** investments in financial instruments ***in accordance with Section C of Annex I of Directive (EU) 2014/65 and excluding derivative transactions used for risk management purposes,*** insurance-based investment products, crypto-assets ***as defined in Article 3(1)(5) of Regulation (EU) 2023/1114,*** and other related financial assets as well as the economic benefits derived from such assets;

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<sup>32</sup> ***Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).***

Or. en

*Justification*

*Specification of the meaning of "savings", investments, and crypto-assets*

**Amendment 236**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, *real estate* and other related financial assets as well as the economic benefits derived from such assets; *including data collected for the purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council*<sup>32</sup> ;

*Amendment*

(b) savings *represented by term deposits, structured deposits and savings accounts*, investments in financial instruments, *in accordance with Section C of Annex I of Directive 2014/65/EU and excluding derivative transactions used for risk management purposes*, insurance-based investment products, crypto-assets, *as defined under Article 3(1)(5) of Regulation 2023/1114/EU*, and other related financial assets as well as the economic benefits derived from such assets;

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<sup>32</sup> *Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).*

Or. en

**Amendment 237**  
**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets; including data collected for the

*Amendment*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets; including data collected for the

purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council<sup>32</sup>;

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<sup>32</sup> Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).

purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council<sup>32</sup> **and with Article 30 of Directive (EU) 2016/97**;

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<sup>32</sup> Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).

Or. en

## **Amendment 238**

**Fabio Massimo Castaldo**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets; including data collected for the purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council<sup>32</sup> ;

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<sup>32</sup> Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).

*Amendment*

(b) savings, investments in financial instruments, insurance-based investment products, crypto-assets, real estate and other related financial assets as well as the economic benefits derived from such assets; including data collected for the purposes of carrying out an assessment of suitability and appropriateness in accordance with Article 25 of Directive 2014/65/EU of the European Parliament and of the Council<sup>32</sup> **and with Article 30 of Directive (EU) 2016/97** ;

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<sup>32</sup> Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) (OJ L 173, 12.6.2014, p. 349).

Or. en

## Amendment 239

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

*(c) pension rights in occupational pension schemes, in accordance with Directive 2009/138/EC and Directive (EU) 2016/2341 of the European Parliament and of the Council<sup>33</sup> ;*

*deleted*

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<sup>33</sup> Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ L 354, 23.12.2016, p. 37).

Or. en

## Amendment 240

Caroline Nagtegaal, Esther de Lange, Ondřej Kovařík

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c

*Text proposed by the Commission*

*Amendment*

*(c) pension rights in occupational pension schemes, in accordance with Directive 2009/138/EC and Directive (EU) 2016/2341 of the European Parliament and of the Council<sup>33</sup> ;*

*(c) pension rights in occupational pension schemes, in accordance with Directive 2009/138/EC and Directive (EU) 2016/2341 of the European Parliament and of the Council<sup>33</sup> **with the exception of data related to sickness and health cover of a member or beneficiary;***

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<sup>33</sup> Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ

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<sup>33</sup> Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ

*Justification*

*Many Institutions for Occupational Retirement Provision (IORPs) offer disability pension as part of the pension scheme. It includes sensitive health data, which could contribute to financial exclusion risk.*

**Amendment 241**

**Markus Ferber**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) pension rights in occupational pension schemes, in accordance with Directive 2009/138/EC and Directive (EU) 2016/2341 of the European Parliament and of the Council<sup>33</sup> ;

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<sup>33</sup> Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ L 354, 23.12.2016, p. 37).

*Amendment*

(c) pension rights in occupational pension schemes, in accordance with Directive 2009/138/EC and Directive (EU) 2016/2341 of the European Parliament and of the Council<sup>33</sup> , ***insofar as they are accessible to all interested consumers***;

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<sup>33</sup> Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ L 354, 23.12.2016, p. 37).

**Amendment 242**

**Engin Eroglu**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) pension rights in occupational pension schemes, in accordance with Directive 2009/138/EC and Directive (EU) 2016/2341 of the European Parliament and

*Amendment*

(c) pension rights in occupational pension schemes, in accordance with Directive 2009/138/EC and Directive (EU) 2016/2341 of the European Parliament and

of the Council<sup>33</sup> ;

of the Council<sup>33</sup> , ***that are accessible for all interested consumers***;

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<sup>33</sup> Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ L 354, 23.12.2016, p. 37).

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<sup>33</sup> Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (recast) (OJ L 354, 23.12.2016, p. 37).

Or. en

### *Justification*

*Especially IORPs are, unlike individual pension providers, generally not accessible to any interested consumers. Typically, IORPs are set up by employers or social partners with the social purpose of providing retirement benefits only for their employees under conditions that are defined in an individual contractual arrangement or a social partner agreement.*

*The exclusion of these IORPs can furthermore be justified by the similarity with mandatory first pillar schemes. First pillar pensions are not included in the scope of the draft regulation because, among other reasons, public pensions are not a financial product. Furthermore, membership in the public pension schemes is mandatory and clearly not the result of a “consumer decision” that an individual can him or herself easily revise. Similarly, any decisions that may be possible for members of an IORP require a preceding decision of the employer, most importantly regarding the choice of the provider and the available product range or certain conditions of the pension scheme.*

*Therefore, data users or financial information service providers could only play a very limited role when it comes to new services for members of IORPs as “consumers”. At the same time, the inclusion of these IORPs in the scope of the FIDA Regulation would lead to considerable costs and risks. The amendment therefore restricts the scope of FIDA to IORPs that are accessible for all interested consumers without the consent or the participation of an employer or the social partners.*

### **Amendment 243**

**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

***(d) pension rights on the provision of pan-European personal pension products, in accordance with Regulation (EU) 2019/1238;***

***deleted***



**Amendment 244**  
**Isabel Benjumea Benjumea**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) non-life insurance products in accordance with Directive 2009/138/EC, with the exception of sickness and health insurance products; including data collected for the purposes of a demands and needs assessment in accordance with Article 20 of Directive (EU) 2016/97 of the European Parliament and Council<sup>34</sup>, and data collected for the purposes of an appropriateness and suitability assessment in accordance with Article 30 of Directive (EU) 2016/97.**

**deleted**

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<sup>34</sup> Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–5)

**Amendment 245**  
**Giuseppe Ferrandino**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) non-life insurance products in accordance with Directive 2009/138/EC, with the exception of sickness and health insurance products; including data collected for the purposes of a demands and needs assessment in accordance with Article 20 of Directive (EU) 2016/97 of the European Parliament and Council<sup>34</sup>,**

**deleted**

*and data collected for the purposes of an appropriateness and suitability assessment in accordance with Article 30 of Directive (EU) 2016/97.*

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*<sup>34</sup> Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–5)*

Or. en

#### *Justification*

*As stated in the explanatory memorandum, from 2020 to the present, the European Commission identified the promotion of data-driven finance and announced its intention to put forward a legislative proposal on a framework for financial data access. Therefore, we believe that the scope of the proposed FIDA Regulation should not take into account insurance products that do not have a financial feature. In addition, the definition of ‘customer’ in Article 2 refers to a person who makes use of financial products and services.*

#### **Amendment 246**

**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) non-life insurance products in accordance with Directive 2009/138/EC, with the exception of sickness and health insurance products; including data collected for the purposes of a demands and needs assessment in accordance with Article 20 of Directive (EU) 2016/97 of the European Parliament and Council<sup>34</sup>, and data collected for the purposes of an appropriateness and suitability assessment in accordance with Article 30 of Directive (EU) 2016/97.*

*deleted*

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*<sup>34</sup> Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–5)*

**Amendment 247**  
**Fabio Massimo Castaldo**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) non-life insurance products in accordance with Directive 2009/138/EC, with the exception of sickness and health insurance products; including data collected for the purposes of a demands and needs assessment in accordance with Article 20 of Directive (EU) 2016/97 of the European Parliament and Council<sup>34</sup>, and data collected for the purposes of an appropriateness and suitability assessment in accordance with Article 30 of Directive (EU) 2016/97.**

**deleted**

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<sup>34</sup> *Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–5)*

**Amendment 248**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) non-life insurance products in accordance with Directive 2009/138/EC, with the exception of sickness and health insurance products; including data collected for the purposes of a demands and needs assessment in accordance with Article 20 of Directive (EU) 2016/97 of the European Parliament and Council<sup>34</sup>, and**

**(e) non-life insurance products in accordance with Directive 2009/138/EC, with the exception of sickness and health insurance products; including data collected for the purposes of a demands and needs assessment in accordance with Article 20 of Directive (EU) 2016/97 of the**

*data collected for the purposes of an appropriateness and suitability assessment in accordance with Article 30 of Directive (EU) 2016/97.*

European Parliament and Council;

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<sup>34</sup> *Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–5)*

Or. en

**Amendment 249**  
**Laurence Sailliet**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) non-life insurance products in accordance with Directive 2009/138/EC, with the exception of sickness and health insurance products; including data collected for the purposes of a demands and needs assessment in accordance with Article 20 of Directive (EU) 2016/97 of the European Parliament and Council<sup>34</sup>, and data collected for the purposes of an appropriateness and suitability assessment in accordance with Article 30 of Directive (EU) 2016/97.

*Amendment*

(e) non-life insurance products in accordance with Directive 2009/138/EC, with the exception of sickness and health insurance products; **and other insurance products involving health data, such as accident insurance, disability insurance, long-term care insurance;** including data collected for the purposes of a demands and needs assessment in accordance with Article 20 of Directive (EU) 2016/97 of the European Parliament and Council<sup>34</sup>, and data collected for the purposes of an appropriateness and suitability assessment in accordance with Article 30 of Directive (EU) 2016/97.

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<sup>34</sup> Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–5)

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<sup>34</sup> Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) (OJ L 26, 2.2.2016, p. 19–5)

Or. en

**Amendment 250**

**Frances Fitzgerald**

**Proposal for a regulation  
Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a loan application process or a request for a credit rating.** *deleted*

Or. en

**Amendment 251  
Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation  
Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a loan application process or a request for a credit rating.** *deleted*

Or. en

**Amendment 252  
Lídia Pereira**

**Proposal for a regulation  
Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

**(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a loan application process or a request for a credit rating.** *deleted*

Or. en

## Amendment 253

Markus Ferber

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f

*Text proposed by the Commission*

(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a loan application process **or a request for a credit rating.**

*Amendment*

(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a loan application process.

Or. en

*Justification*

*Data sharing is of limited use in case of credit rating agencies. The data used by CRAs is mostly data directly provided by the client. Most other data is of a commercially sensitive nature and should not be shared with competitors.*

## Amendment 254

Ville Niinistö

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f

*Text proposed by the Commission*

(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a loan application process or a request for a credit rating.

*Amendment*

(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a loan application process or a request for a credit rating. **Data collected as part of a creditworthiness assessment of consumers shall be excluded.**

Or. en

## Amendment 255

Ondřej Kovařík

### Proposal for a regulation

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## Article 2 – paragraph 1 – point f

*Text proposed by the Commission*

(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a **loan** application process or a request for a credit rating.

*Amendment*

(f) data which forms part of a creditworthiness assessment of a firm which is collected as part of a **credit agreement** application process or a request for a credit rating.

Or. en

### Amendment 256 Frances Fitzgerald

#### Proposal for a regulation Article 2 – paragraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

**(f a) non-sensitive categories of data used by data holders to meet Know-Your-Customer (KYC) requirements for business customers.**

Or. en

### Amendment 257 Isabel Benjumea Benjumea

#### Proposal for a regulation Article 2 – paragraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

**(fa) (e) vehicle insurance services;**

Or. es

### Amendment 258 Ondřej Kovařík, Martin Hlaváček

#### Proposal for a regulation Article 2 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) payment institutions, including account information service providers **and payment institutions exempted pursuant to Directive (EU) 2015/2366;**

(b) payment institutions, including account information service providers;

Or. en

**Amendment 259**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) payment institutions, including **account information service providers and** payment institutions exempted pursuant to Directive (EU) 2015/2366;

(b) payment institutions, including payment institutions exempted pursuant to Directive (EU) 2015/2366;

Or. en

**Amendment 260**  
**Ondřej Kovařík, Martin Hlaváček**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) electronic money institutions, **including electronic money institutions exempted pursuant to Directive 2009/110/EC of the European Parliament and of the Council<sup>35</sup> ;**

(c) electronic money institutions;

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<sup>35</sup> **Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L**



**Amendment 261**

**Engin Eroglu**

**Proposal for a regulation**

**Article 2 – paragraph 2 – point i**

*Text proposed by the Commission*

*Amendment*

(i) *insurance* and reinsurance undertakings;

(i) *insurances that are accessible for all interested consumers* and reinsurance undertakings;

*Justification*

*Justification:*

*Especially IORPs are, unlike individual pension providers, generally not accessible to any interested consumers. Typically, IORPs are set up by employers or social partners with the social purpose of providing retirement benefits only for their employees under conditions that are defined in an individual contractual arrangement or a social partner agreement.*

*The exclusion of these IORPs can furthermore be justified by the similarity with mandatory first pillar schemes. First pillar pensions are not included in the scope of the draft regulation because, among other reasons, public pensions are not a financial product. Furthermore, membership in the public pension schemes is mandatory and clearly not the result of a “consumer decision” that an individual can him or herself easily revise. Similarly, any decisions that may be possible for members of an IORP require a preceding decision of the employer, most importantly regarding the choice of the provider and the available product range or certain conditions of the pension scheme.*

*Therefore, data users or financial information service providers could only play a very limited role when it comes to new services for members of IORPs as “consumers”. At the same time, the inclusion of these IORPs in the scope of the FIDA Regulation would lead to considerable costs and risks. The amendment therefore restricts the scope of FIDA to IORPs that are accessible for all interested consumers without the consent or the participation of an employer or the social partners.*

**Amendment 262**

**Laurence Sailliet**

**Proposal for a regulation**

## Article 2 – paragraph 2 – point j

*Text proposed by the Commission*

(j) insurance intermediaries **and ancillary insurance intermediaries**;

*Amendment*

(j) insurance intermediaries ;

Or. en

*Justification*

*Ancillary insurance intermediaries should be excluded from the scope in order to avoid any risk of unfair competition.*

## Amendment 263 Frances Fitzgerald

### Proposal for a regulation Article 2 – paragraph 2 – point k

*Text proposed by the Commission*

(k) institutions for occupational retirement provision;

*Amendment*

(k) institutions for occupational retirement provision (**IORP**), **excluding small IORP as referred to in Article 5 of Directive (EU) 2016/2341**;

Or. en

## Amendment 264 Markus Ferber

### Proposal for a regulation Article 2 – paragraph 2 – point k

*Text proposed by the Commission*

(k) institutions for occupational retirement provision;

*Amendment*

(k) institutions for occupational retirement provision, **insofar as they are accessible to all interested consumers**;

Or. en

## Amendment 265 Engin Eroglu

PE758.857v01-00

82/128

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**Proposal for a regulation**  
**Article 2 – paragraph 2 – point k**

*Text proposed by the Commission*

*Amendment*

(k) institutions for occupational retirement provision;

(k) institutions for occupational retirement provision ***that are accessible for all interested consumers***;

Or. en

*Justification*

*Especially IORPs are, unlike individual pension providers, generally not accessible to any interested consumers. Typically, IORPs are set up by employers or social partners with the social purpose of providing retirement benefits only for their employees under conditions that are defined in an individual contractual arrangement or a social partner agreement.*

*The exclusion of these IORPs can furthermore be justified by the similarity with mandatory first pillar schemes. First pillar pensions are not included in the scope of the draft regulation because, among other reasons, public pensions are not a financial product. Furthermore, membership in the public pension schemes is mandatory and clearly not the result of a “consumer decision” that an individual can him or herself easily revise. Similarly, any decisions that may be possible for members of an IORP require a preceding decision of the employer, most importantly regarding the choice of the provider and the available product range or certain conditions of the pension scheme.*

*Therefore, data users or financial information service providers could only play a very limited role when it comes to new services for members of IORPs as “consumers”. At the same time, the inclusion of these IORPs in the scope of the FIDA Regulation would lead to considerable costs and risks. The amendment therefore restricts the scope of FIDA to IORPs that are accessible for all interested consumers without the consent or the participation of an employer or the social partners.*

**Amendment 266**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point l**

*Text proposed by the Commission*

*Amendment*

(l) ***credit rating agencies***;

***deleted***

Or. en

*Justification*

*Data sharing is of limited use in case of credit rating agencies. The data used by CRAs is mostly data directly provided by the client. Most other data is of a commercially sensitive nature and should not be shared with competitors.*

**Amendment 267**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point l**

*Text proposed by the Commission*

*Amendment*

**(l) credit rating agencies;** **deleted**

Or. en

**Amendment 268**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point m**

*Text proposed by the Commission*

*Amendment*

**(m) crowdfunding service providers;** **(m) crowdfunding service providers, which are not microenterprises or small or medium sized enterprises;**

Or. en

**Amendment 269**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point o**

*Text proposed by the Commission*

*Amendment*

**(o) financial information service providers** **(o) financial information service providers;**

Or. en

**Amendment 270**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – point o a (new)**

*Text proposed by the Commission*

*Amendment*

**(o a) operators of payment schemes**

Or. en

**Amendment 271**  
**Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq**

**Proposal for a regulation**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. This Regulation shall not apply to the entities referred to in Article 2(3), points (a) to (e), of Regulation (EU) 2022/2554.

3. This Regulation shall not apply to the entities referred to in Article 2(3), points (a) to (e), of Regulation (EU) 2022/2554. ***Any undertaking designated as a gatekeeper, pursuant to Article 3 of Regulation (EU) 2022/1925, shall not be an eligible data user for the purposes of this Regulation. .***

Or. en

**Amendment 272**  
**Ville Niinistö**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. This Regulation shall not apply to the entities referred to in Article 2(3), points (a) to (e), of Regulation (EU) 2022/2554.

3. This Regulation shall not apply to the entities referred to in Article 2(3), points (a) to (e), of Regulation (EU) 2022/2554. ***Any undertaking designated as a gatekeeper, pursuant to Article 3 of***

***Regulation (EU) 2022/1925, shall not be an eligible data user for the purposes of this Regulation.***

Or. en

### **Amendment 273**

**Othmar Karas**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 3**

*Text proposed by the Commission*

3. This Regulation shall not apply to the entities referred to in Article 2(3), points (a) to (e), of Regulation (EU) 2022/2554.

*Amendment*

3. This Regulation ***shall apply to small enterprises as defined in Recommendation 2003/361/EC by [OP please insert the date 12 months after the date of application of this Regulation], and*** shall not apply to the entities referred to in Article 2(3), points (a) to (e), of Regulation (EU) 2022/2554.

Or. en

*Justification*

*This amendment aims to complement the proportionality elements referred to in Recital 23 by delaying the date of application for small enterprises (who employ fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million) as defined in Recommendation 2003/361/EC by an additional 12 months. Although bundling resources for application programming interfaces or pay-per-call services by external technology providers may lower the costs for smaller enterprises, an extension of the application date is justified due to potentially limited supply and/or high costs of these solutions in the short term.*

### **Amendment 274**

**Frances Fitzgerald**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 3**

*Text proposed by the Commission*

3. This Regulation shall not apply to the entities referred to in Article 2(3),

*Amendment*

3. This Regulation shall not apply to the entities referred to in Article 2(3),

points (a) to (e), of Regulation (EU) 2022/2554.

points (a) to (e), of Regulation (EU) 2022/2554 **and to Article 2(5) points (4) to (23), [insert reference to CRD VI once published to the Official Journal of the European Union].**

Or. en

#### *Justification*

*It is critical to maintain the proportionate approach to credit unions as in other legislative files, including CRD IV, DORA and the PSD 2, which exempt those institutions. The Commission's proposal applies indistinctively the same requirements on both banks and credit unions. Unlike banks, credit unions are not-for-profit cooperatives owned by their members, representing on average EUR 11 million in assets per credit union. Therefore, they will face disproportionate costs, which would hinder their ability to serve communities, especially in areas where banks have withdrawn.*

#### **Amendment 275**

**Isabel Benjumea Benjumea**

#### **Proposal for a regulation**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. By way of exemption from paragraph 3, this Regulation shall apply to the entities referred to in Article 2(3)(e) of Regulation (EU) 2022/2554 if they so wish, provided that they prove their compliance with the relevant provisions of Regulation (EU) 2022/2554.**

Or. es

#### **Amendment 276**

**Laurence Sailliet**

#### **Proposal for a regulation**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. By way of derogation from paragraph 3, this Regulation shall apply**

*to entities referred to in Article 2(3), point (e) of Regulation (EU) 2022/2554 to the condition that these entities prove they comply with the proportionate provisions established for microenterprises laid down in in the the Regulation (EU) 2022/2554.*

Or. en

**Amendment 277**

**Ondřej Kovařík, Martin Hlaváček**

**Proposal for a regulation**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. This regulation shall not apply to SMEs, but there shall be an option for SMEs to opt-in to the provisions of the regulation;**

Or. en

**Amendment 278**

**Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq**

**Proposal for a regulation**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. 3a. This Regulation shall not apply to special categories of data referred to in Article 9(1) of Regulation (EU) 2016/679.**

Or. en

**Amendment 279**

**Lídia Pereira**

**Proposal for a regulation**

**Article 2 – paragraph 3 a (new)**



*Text proposed by the Commission*

*Amendment*

**3 a. This Regulation shall not apply to data referred in article 9 of Regulation (EU) 2016/679 (General Data Protection Regulation).**

Or. en

*Justification*

*Consideration of EDPS Opinion.*

**Amendment 280**

**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. This Regulation does not apply to special categories of data referred to in Article 9(1) of Regulation (EU) 2016/679.**

Or. en

**Amendment 281**

**Isabel Benjumea Benjumea**

**Proposal for a regulation**

**Article 2 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. This Regulation shall apply to the credit intermediaries referred to in Article 4(5) of Directive 2014/17/EU if they so wish, provided that they prove their compliance with the relevant provisions of Regulation (EU) 2022/2554.**

Or. es

**Amendment 282**

**Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq**

**Proposal for a regulation**

**Article 2 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3 b. This regulation shall not apply to collectively concluded products such as products resulted from social partners bargaining, trade unions or products procured by non-profit organisations on behalf of their members.**

Or. en

**Amendment 283**

**Isabel Benjumea Benjumea**

**Proposal for a regulation**

**Article 2 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. Small and non-interconnected investment firms as defined in Article 12 of Regulation (EU) 2019/2033 shall fall outside the scope of this Regulation.**

Or. es

**Amendment 284**

**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**

**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. This Regulation is without prejudice to Union law and national law on the protection of personal data, privacy and confidentiality of communications and integrity of terminal equipment, which shall apply to personal data**

*processed in connection with the rights and obligations laid down herein, in particular Regulations (EU) 2016/679 and (EU) 2018/1725 and Directive 2002/58/EC, including the powers and competences of supervisory authorities and the rights of data subjects. Insofar as users are data subjects, the rights laid down in Chapter II of this Regulation shall complement the rights of access by data subjects and rights to data portability under Articles 15 and 20 of Regulation (EU) 2016/679. In the event of a conflict between this Regulation and Union law on the protection of personal data or privacy, or national legislation adopted in accordance with such Union law, the relevant Union or national law on the protection of personal data or privacy shall prevail.*

Or. en

**Amendment 285**

**Ville Niinistö**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. Only financially relevant information and data from the categories mentioned above shall be processed for the purposes of this Regulation. Special categories of data, under article 9(1) of Regulation (EU) 2016/679 shall not be processed for the purposes of this Regulation, unless it is strictly necessary to fulfil the service requested by the customer. Data that has been derived or inferred from data provided by a customer as a result of profiling shall not be processed for the categories of this Regulation.***

***For the purposes of the implementation of***

*this paragraph the burden of proof shall lie with the data user.*

Or. en

**Amendment 286**  
**Fabio Massimo Castaldo**

**Proposal for a regulation**  
**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. Customer data referred to in paragraph 1, do not include:**

**- sensitive data regarding a person's race or ethnicity, political opinions, religious or philosophical beliefs or union memberships, as well as genetic information and information about health and sexual orientation/practices**

**- proprietary data that the financial institution has generated, analysed or enriched, including trade secrets and business-sensitive information.**

Or. en

**Amendment 287**  
**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

**Proposal for a regulation**  
**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. Customer data referred to in paragraph 1, do not include:**

**- sensitive data regarding a person's race or ethnicity, political opinions, religious or philosophical beliefs or union memberships, as well as genetic information and information about health and sexual orientation/practices;**

*- proprietary data that the financial institution has generated, analysed or enriched, including trade secrets and business-sensitive information.*

Or. en

**Amendment 288**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. With reference to other provisions on data access, responsible data use and permission dashboards and financial data sharing schemes, the European Commission may consider, where appropriate, the development of sector-specific use cases by way of delegated or implementing acts.**

Or. en

**Amendment 289**  
**Laurence Sailliet**

**Proposal for a regulation**  
**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. This Regulation does not apply to trade secrets, business-sensitive information or proprietary data that the financial institution has generated or enriched.**

Or. en

*Justification*

*No clear safeguards have been put in place for the protection of trade secrets or business sensitive data.*

**Amendment 290**

**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

**Proposal for a regulation**

**Article 2 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4 b. This Regulation shall apply to contracts that have been entered into force from the date of application of the present Regulation onwards.***

Or. en

**Amendment 291**

**Fabio Massimo Castaldo**

**Proposal for a regulation**

**Article 2 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4 b. This Regulation shall apply to contracts that have been entered into force from the date of application of the present Regulation onwards.***

Or. en

**Amendment 292**

**Laurence Sailliet**

**Proposal for a regulation**

**Article 2 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4 b. This Regulation applies to data held by retail customers only and does not apply to the sharing of data of commercial customers.***

Or. en

**Amendment 293**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 2 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4 b. The development of new or amended use cases shall take place in line with Article 30 of this Regulation.**

Or. en

**Amendment 294**  
**Caroline Nagtegaal, Esther de Lange, Ondřej Kovařík**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*

(1) ‘consumer’ means a natural person who is acting for purposes other than his or her trade, business or profession;

(1) ‘consumer’ means a natural person who is acting for purposes other than his or her trade, business or profession, **or a current ‘member’ or ‘beneficiary’ of the institution for occupational retirement provisions (IORP), as defined in Article 6 of the IORP II Directive’;**

Or. en

**Amendment 295**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

(2) ‘customer’ means a natural or a **legal person who makes** use of financial products and services;

(2) ‘customer’ means a natural or a **small and medium enterprise, as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003, residing or having the registered**

*office in the Union who is a party to an agreement for the use of financial products and services referred to in Article 2(1);*

Or. en

#### **Amendment 296**

**Engin Eroglu**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) ‘customer’ means a natural or a legal person who makes use of financial products and services;

*Amendment*

(2) ‘customer’ means a natural or a legal person who makes use of financial products and services ***and who is the contractual partner of a financial institution (in its role as a data user) and can him- or herself choose the product and its provider;***

Or. en

#### **Amendment 297**

**Caroline Nagtegaal, Esther de Lange**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) ‘customer’ means a natural or a legal person ***who makes use of financial products and services;***

*Amendment*

(2) ‘customer’ means a natural ***person living in the European Union*** or a legal person ***that is established in the European Union and who is a consumer or a micro, small or medium enterprise;***

Or. en

#### *Justification*

*We propose to focus on consumers and small businesses in order to ensure timely implementation of FiDA. Large companies are free to participate in data-sharing schemes on their own terms. If necessary, they can still be included during a future revision of this act. Also, it is important to restrict the scope geographically to the EU.*



**Amendment 298**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) ‘customer’ means a natural *or a legal* person *who makes* use of financial products and services;

*Amendment*

(2) ‘customer’ means a natural person *or a micro, small, or medium enterprise that is party to an agreement for the* use of financial products and services;

Or. en

**Amendment 299**  
**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) ‘customer’ means a natural *or a legal* person who makes use of financial products and services;

*Amendment*

(2) ‘customer’ means a natural person who makes use of financial products and services *or purchases insurance products*;

Or. en

**Amendment 300**  
**Fabio Massimo Castaldo**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) ‘customer’ means a natural *or a legal* person who makes use of financial products and services;

*Amendment*

(2) ‘customer’ means a natural person who makes use of financial products and services *or purchases insurance products*;

Or. en

**Amendment 301**  
**Laurence Sailliet**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘customer data’ means personal and non-personal data that is collected, stored **and otherwise processed** by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data **generated as a result of customer interaction with** the financial institution;

*Amendment*

(3) ‘customer data’ means personal and non-personal data, **provided by the customer (directly or observed)** that is collected, stored by a financial institution as part of their normal course of business with customers which covers both **the relevant personal** data provided by a customer and **relevant product information, such as the information contained in the insurance product information document (IPID); This should not include trade secrets or proprietary** data of the financial institution; **Data generated by a financial institution, by processing data provided directly by the customer shall not, in any case, be considered as customer;**

Or. en

**Amendment 302**  
**Giuseppe Ferrandino**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution;

*Amendment*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution **or a financial information service provider** as part of their normal course of business with customers which covers both data provided by a customer and **raw** data generated as a result of customer interaction with the financial institution **or a financial information service provider. Data generated by the financial institution or a financial**

***information service provider, even if such data are obtained by processing data provided directly by the customer, should not, in any case, be considered as customer data;***

Or. en

*Justification*

*It is suggested to exclude from FIDA regulation any information derived or inferred from this data in accordance with the policy option adopted in the Data Act (Recital 15). Moreover, to prevent a unilateral flow of information from financial entities to third parties, financial information service providers should be subject to similar sharing obligations with reference to the data that they have directly obtained from their own customers and that falls under the scope of FIDA.*

**Amendment 303**

**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution ***as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with*** the financial institution;

*Amendment*

(3) ‘customer data’ means personal and non-personal data, ***related to the customer*** that is collected, stored and otherwise processed by a financial institution ***in connection with an existing agreement between the*** customer and the financial institution ***as the primary data holder for the provision of such financial products and services; data generated by a financial institution – by processing data provided directly or indirectly by the customer - shall not, in any case, be considered as customer data;***

Or. en

**Amendment 304**

**Frances Fitzgerald**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) ‘customer data’ means personal and non-personal data that is collected, stored ***and otherwise processed*** by a financial institution ***as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with*** the financial institution;

(3) ‘customer data’ means personal and non-personal data ***in line with Regulation (EU) 2016/679*** that is collected ***and*** stored by a financial institution ***in connection with an existing agreement between the customer and the financial institution as the primary data holder for the provision of such services; this shall not include data that is generated by a financial institution by way of enriching or modifying data provided directly by the customer;***

Or. en

*Justification*

*To make sure that derived and inferred data is not included*

#### **Amendment 305**

**Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution;

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution ***and shall exclude data created as a result of profiling as per Article 4(4) of Regulation (EU) 2016/679;***

Or. en

#### **Amendment 306**

**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution;

*Amendment*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution, ***excluding sensitive data and proprietary data as referred in Article 2, par. 5;***

Or. en

**Amendment 307**  
**Fabio Massimo Castaldo**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution;

*Amendment*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution ***excluding sensitive data and proprietary data as referred in Article 2, par. 5;***

Or. en

**Amendment 308**  
**Ville Niinistö**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution;

*Amendment*

(3) ‘customer data’ means personal and non-personal data, ***excluding data resulting from profiling activities***, that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution;

Or. en

**Amendment 309**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers both data provided by a customer and data generated as a result of customer interaction with the financial institution;

*Amendment*

(3) ‘customer data’ means personal and non-personal data that is collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which ***are available to the customer, and*** covers both data provided by a customer and data generated as a result of customer interaction with the financial institution;

Or. en

**Amendment 310**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘customer data’ means personal and non-personal data that is collected, stored

*Amendment*

(3) ‘customer data’ means ***basic*** personal and non-personal data that is

and otherwise processed by a financial institution as part of their normal course of business with customers which covers **both** data provided by a customer **and data generated as a result of customer interaction with** the financial institution;

collected, stored and otherwise processed by a financial institution as part of their normal course of business with customers which covers data provided by a customer **to** the financial institution;

Or. en

*Justification*

*Data generated as a result of customer interaction with the financial institution is often proprietary data that should not be shared with competitors.*

**Amendment 311**

**Ondřej Kovařík**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4 a) ‘credit agreement’ means credit agreement as defined in Article 3 point (4) of Directive 2021/2167;**

Or. en

**Amendment 312**

**Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

(5) ‘data holder’ means a financial institution **other than an account information service provider that collects, stores and otherwise processes the data listed in Article 2(1) ;**

(5) ‘data holder’ means a financial institution;

Or. en

### Amendment 313

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

#### Proposal for a regulation

##### Article 3 – paragraph 1 – point 5

*Text proposed by the Commission*

(5) ‘data holder’ means a financial institution ***other than an account*** information service provider that collects, stores and otherwise processes the data listed in Article 2(1) ;

*Amendment*

(5) ‘data holder’ means a financial institution ***or a financial*** information service provider ***holding one of the categories of data under Art. 2(1)***, that collects, stores and otherwise processes the data listed in Article 2(1);

Or. en

### Amendment 314

Fulvio Martusciello, Herbert Dorfmann

#### Proposal for a regulation

##### Article 3 – paragraph 1 – point 5

*Text proposed by the Commission*

(5) ‘data holder’ means a financial institution ***other than an account*** information service provider that collects, stores and otherwise processes the data listed in Article 2(1) ;

*Amendment*

(5) ‘data holder’ means a financial institution ***or a financial*** information service provider ***holding one of the categories of data under Art. 2(1)***, that collects, stores and otherwise processes the data listed in Article 2(1);

Or. en

### Amendment 315

Frances Fitzgerald

#### Proposal for a regulation

##### Article 3 – paragraph 1 – point 5

*Text proposed by the Commission*

(5) ‘data holder’ means a financial institution other than an account information service provider that collects, stores ***and otherwise processes*** the data

*Amendment*

(5) ‘data holder’ means a financial institution other than an account information service provider that collects ***and*** stores the data listed in Article 2(1);



listed in Article 2(1) ;

Or. en

**Amendment 316**  
**Giuseppe Ferrandino**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 5**

*Text proposed by the Commission*

(5) ‘data holder’ means a financial institution ***other than an account*** information service provider that collects, stores and otherwise processes the data listed in Article 2(1) ;

*Amendment*

(5) ‘data holder’ means a financial institution ***or a financial*** information service provider that collects, stores and otherwise processes the data listed in Article 2(1);

Or. en

*Justification*

*In order to establish a level playing field and to avoid an unilateral flow of information from financial institutions to third parties, financial information service providers shall also qualify as data holders with reference to the data that they have directly obtained from their own customers and that falls under the scope of FIDA.*

**Amendment 317**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6 a) ‘financial information service’ means the online service of collecting, consolidating, storing and processing customer data to entities listed by Article 2 (2) and authorized to provide financial services and offer financial products to the customers;***

Or. en

**Amendment 318**  
**Stéphanie Yon-Courtin, Gilles Boyer**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6 a) “financial information services” means the online services of collecting, consolidating, storing and processing customer data in order to provide a financial service to customers;**

Or. en

*Justification*

*An entity whose main activity is not financial should not be able to access European customer data, with a view to providing a service that has no connection whatsoever with a financial service. To this end, FiDA should define the financial information services provided by FISPs. The qualification of information services provided by FISPs as services provided in order to provide financial services will make it possible to strengthen the requirements for foreign players to establish themselves in the EU.*

**Amendment 319**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6 a) 'financial information service' means the online service of collecting, consolidating, and enabling the comparison of customer data held by one or several data holders;**

Or. en

**Amendment 320**  
**Ondřej Kovařík**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6 a) ‘financial information service’ means an online service of collecting or consolidating customer and storing data held by one or several data holders;**

Or. en

**Amendment 321**  
**Stéphanie Yon-Courtin, Gilles Boyer**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**(6 b) "financial service" means any service of a banking, credit, insurance, personal pension, investment or payment nature;**

Or. en

*Justification*

*Definition from Article 2(b) of Directive 2002/65/EC on distance marketing of consumer financial services.*

**Amendment 322**  
**Laurence Sailliet**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 7**

*Text proposed by the Commission*

*Amendment*

(7) ‘financial information service provider’ means a data user that is authorised under Article 14 to access the customer data listed in Article 2(1) for the provision of financial information services;

(7) financial information service provider’ means a data user ***established in the European Union*** that is authorised under Article 14 to access the customer data listed in Article 2(1) for the provision of financial information services ***only. Any undertaking designated as a gatekeeper, pursuant to Article 3 of Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector (Digital***

*Markets Act), shall not be eligible as a financial information service provider under this Regulation;*

Or. en

**Amendment 323**

**Ville Niinistö**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 7**

*Text proposed by the Commission*

(7) ‘financial information service provider’ means a data user that is authorised under Article 14 to access the customer data listed in Article 2(1) for the provision of financial information services;

*Amendment*

(7) ‘financial information service provider’ means a data user that is authorised under Article 14 to access the customer data listed in Article 2(1) for the provision of financial information services **and within the scope of Article 2(3);**

Or. en

**Amendment 324**

**Frances Fitzgerald**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 7**

*Text proposed by the Commission*

(7) ‘financial information service provider’ means a data user that is authorised under Article 14 to access the customer data listed in Article 2(1) for the **provision of financial information** services;

*Amendment*

(7) ‘financial information service provider’ means a data user **or a data holder** that is authorised under Article 14 to access the customer data listed in Article 2(1) for the **purposes of providing** financial **products or** services;

Or. en

**Amendment 325**

**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 7**

*Text proposed by the Commission*

(7) ‘financial information service provider’ means a data user that is authorised under Article 14 to access the customer data listed in Article 2(1) for the provision of financial information services;

*Amendment*

(7) ‘financial information service provider’ means a data user **or a data holder** that is authorised under Article 14 to access the customer data listed in Article 2(1) for the provision of financial information services;

Or. en

**Amendment 326**  
**Isabel Benjumea Benjumea**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) 'Financial information services' shall mean services aimed at providing customers with information on the financial products set out in Article 2(1) of this Regulation. Financial information services shall not include the provision of services regulated under existing sector-specific financial legislation and reserved for regulated financial institutions. Financial information services shall not include financial advice or insurance distribution services regulated by Directive (EU) 2016/97 or Directive 2014/65/EU;***

Or. es

**Amendment 327**  
**Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7 a) ‘financial information service’ means an online service providing consolidated information on one or more financial services products listed under Article 2(1) of this Regulation with a view to providing a customer with an overall view of their financial situation immediately at any given moment;**

Or. en

**Amendment 328**

**Ville Niinistö**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7 a) ‘financial information service’ means an online service providing consolidated information on one or more financial services products listed under Article 2(1) of this Regulation with a view to providing a customer with an overall view of their financial situation immediately at any given moment;**

Or. en

**Amendment 329**

**Laurence Sailliet**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7 a) "financial information services" means an online service to provide consolidated information on one or more categories of customer financial data listed in Article 2(1);**

**Amendment 330**

**Lídia Pereira**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

*Amendment*

**(9) ‘investment account’ means any register managed by an investment firm, credit institution or an insurance broker about the current holdings in financial instruments or insurance-based investment products of their client, including past transactions and other data points relating to lifecycle events of that instrument**

**deleted**

Or. en

*Justification*

*The definition is not necessary, as there is not article referring to it.*

**Amendment 331**

**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 9**

*Text proposed by the Commission*

*Amendment*

**(9) ‘investment account’ means any register managed by an investment firm, credit institution or an insurance broker about the current holdings in financial instruments or insurance-based investment products of their client, including past transactions and other data points relating to lifecycle events of that instrument**

**deleted**

Or. en

## Amendment 332

Ondřej Kovařík

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 9

*Text proposed by the Commission*

(9) ‘investment account’ means any register managed by an investment firm, credit institution or an insurance broker about the current holdings in financial instruments or insurance-based investment products of their client, including past transactions **and other data points relating to lifecycle events of that instrument**

*Amendment*

(9) ‘investment account’ means any register managed by an investment firm, credit institution or an insurance broker about the current holdings in financial instruments or insurance-based investment products of their client, including past transactions;

Or. en

## Amendment 333

Isabel Benjumea Benjumea

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 9

*Text proposed by the Commission*

(9) ‘investment account’ means any register managed by an investment firm, credit institution or an insurance **broker** about the current holdings in financial instruments or insurance-based investment products of their client, including past transactions and other data points relating to lifecycle events of that instrument

*Amendment*

(9) ‘investment account’ means any register managed by an investment firm, credit institution or an insurance **intermediary** about the current holdings in financial instruments or insurance-based investment products of their client, including past transactions and other data points relating to lifecycle events of that instrument;

Or. es

## Amendment 334

Ondřej Kovařík

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 19



*Text proposed by the Commission*

*Amendment*

**(19) ‘electronic money institution exempted pursuant to Directive 2009/110/EC’ means an electronic money institution benefitting from a waiver as referred to in Article 9(1) of Directive 2009/110/EC;** **deleted**

Or. en

**Amendment 335**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 27**

*Text proposed by the Commission*

*Amendment*

**(27) ‘credit rating agency’ means a credit rating agency as defined in Article 3(1), point (b), of Regulation (EC) No 1060/2009 of the European Parliament and of the Council<sup>41</sup> ;** **deleted**

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<sup>41</sup> *Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies (OJ L 302, 17.11.2009, p. 1).*

Or. en

*Justification*

*Data sharing is of limited use in case of credit rating agencies. The data used by CRAs is mostly data directly provided by the client. Most other data is of a commercially sensitive nature and should not be shared with competitors.*

**Amendment 336**  
**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 27**

*Text proposed by the Commission*

*Amendment*

(27) *'credit rating agency' means a credit rating agency as defined in Article 3(1), point (b), of Regulation (EC) No 1060/2009 of the European Parliament and of the Council<sup>41</sup> ;* *deleted*

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<sup>41</sup> *Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies (OJ L 302, 17.11.2009, p. 1).*

Or. en

**Amendment 337**  
**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 29**

*Text proposed by the Commission*

*Amendment*

(29) *'legal representative' means a natural person domiciled in the Union or a legal person with its registered office in the Union, and which, expressly designated by a financial information service provider established in a third country, acts on behalf of such financial information service provider vis-à-vis the authorities, clients, bodies and counterparties to the financial information service provider in the Union with regard to the financial information service provider's obligations under this Regulation;* *deleted*

Or. en

**Amendment 338**  
**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 29**

*Text proposed by the Commission*

*Amendment*

**(29) ‘legal representative’ means a natural person domiciled in the Union or a legal person with its registered office in the Union, and which, expressly designated by a financial information service provider established in a third country, acts on behalf of such financial information service provider vis-à-vis the authorities, clients, bodies and counterparties to the financial information service provider in the Union with regard to the financial information service provider’s obligations under this Regulation;**

**deleted**

Or. en

**Amendment 339  
Stéphanie Yon-Courtin, Gilles Boyer**

**Proposal for a regulation  
Article 3 – paragraph 1 – point 29**

*Text proposed by the Commission*

*Amendment*

**(29) ‘legal representative’ means a natural person domiciled in the Union or a legal person with its registered office in the Union, and which, expressly designated by a financial information service provider established in a third country, acts on behalf of such financial information service provider vis-à-vis the authorities, clients, bodies and counterparties to the financial information service provider in the Union with regard to the financial information service provider’s obligations under this Regulation;**

**deleted**

Or. en

*Justification*

*In line with deletion of Article 13*

**Amendment 340**

**Ville Niinistö**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 29 a (new)**

*Text proposed by the Commission*

*Amendment*

***(29 a) ‘permission’ means the clear and unambiguous authorisation to a data user to access customer data, provided by customers themselves through a permission dashboard, based on which a data holder is required to make the requested data available for the specified purpose. For the purposes of this Regulation, the criteria of article 4(11) and the conditions in Article 7 of Regulation (EU) 679/2016 shall apply to permissions as well;***

Or. en

**Amendment 341**

**Ondřej Kovařík, Martin Hlaváček**

**Proposal for a regulation**

**Article 3 – paragraph 1 – point 29 a (new)**

*Text proposed by the Commission*

*Amendment*

***(29 a) ‘Small and Medium sized Enterprises’ or SMEs, means an SME as defined in point (13) of Article 4(1) of Directive 2014/65/EU;***

Or. en

**Amendment 342**

**Frances Fitzgerald**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

The data holder shall, upon request from a customer submitted **by electronic means**, make the data listed in Article 2(1) available to the customer without undue delay, free of charge, continuously and in **real-time**.

*Amendment*

The data holder shall, upon request from a customer submitted **through a dedicated customer interface**, make the data listed in Article 2(1) available to the customer without undue delay, free of charge, continuously, and in **the state that it is held by the data holder at the time that access is requested by a customer**.

Or. en

**Amendment 343**

**Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

The data holder shall, upon request from a customer **submitted by electronic means**, make the data listed in Article 2(1) available to the customer without undue delay, free of charge, continuously and in real-time.

*Amendment*

The data holder shall, upon request from a customer **authorized by strong customer authentication mechanism**, make the data listed in Article 2(1) available to the customer **via an online customer interface**, without undue delay, free of charge, **and where relevant and technically feasible**, continuously and in real-time.

Or. en

**Amendment 344**

**Laurence Sailliet**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

The data holder shall, upon request from a customer submitted by electronic means, make the data listed in Article 2(1) available to the customer without undue

*Amendment*

The data holder shall, upon request from a customer submitted by electronic means, make the data listed in Article 2(1) available to the customer without undue

delay, free of charge, continuously and in real-time.

delay, free of charge, continuously and in real-time, *where appropriate in the circumstances*.

Or. en

#### **Amendment 345**

**Ville Niinistö**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

##### **Article 4 – paragraph 1**

###### *Text proposed by the Commission*

The data holder shall, upon request from a customer submitted by electronic means, make the data listed in Article 2(1) available to the customer without undue delay, free of charge, continuously and in real-time.

###### *Amendment*

The data holder shall, upon request from a customer submitted by electronic means *or in an analogue format*, make the data listed in Article 2(1) available to the customer without undue delay, free of charge, continuously and in real-time.

Or. en

#### **Amendment 346**

**Ondřej Kovařík, Martin Hlaváček**

#### **Proposal for a regulation**

##### **Article 4 – paragraph 1**

###### *Text proposed by the Commission*

The data holder shall, upon request from a customer submitted by electronic means, make the data listed in Article 2(1) available to the customer without undue delay, free of charge, continuously and in *real-time*.

###### *Amendment*

The data holder shall, upon request from a customer submitted by electronic means, make the data listed in Article 2(1) available to the customer without undue delay, free of charge, continuously and in *due time*.

Or. en

#### **Amendment 347**

**Frances Fitzgerald**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. The data holder shall, upon request from a customer submitted **by electronic means**, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in **real-time**.

*Amendment*

1. The data holder shall, upon request from a customer **to do so** submitted **through a dedicated customer interface**, make available to a data user the customer data listed in Article 2(1) **only** for the purposes for which the customer has granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in **the state that it is held by the data holder at the time that access is requested by a data user. In the absence of a scheme, data sharing may occur on the basis of a contractual agreement between the data holder and the data user.**

Or. en

**Amendment 348**  
**Stéphanie Yon-Courtin, Gilles Boyer**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. The data holder shall, upon request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in real-time.

*Amendment*

1. The data holder shall, upon **explicit** request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user. **Any request from a customer shall state explicitly the specific service for the purpose of which the customer consents to the use of his data by the data user.** The customer data shall be made available to the data user without undue delay, continuously and in real-time.

Or. en

## *Justification*

*Customer consent is at the heart of the Commission's proposal. In this respect, the provisions governing this consent should be strengthened. When a client gives his or her permission to share his or her data, it should not be as simple as ticking a box. Customers need to understand what data they are sharing and for what service.*

### **Amendment 349**

**Fulvio Martusciello, Herbert Dorfmann**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 1**

###### *Text proposed by the Commission*

1. The data holder shall, upon request from a customer ***submitted by electronic means***, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has ***granted permission to the data user***. The customer data shall be made available to the data user without undue delay, continuously and in real-time.

###### *Amendment*

1. The data holder shall, upon ***explicit*** request from a customer ***authorized by strong customer authentication mechanism***, make available to a data user ***acting on behalf of the customer*** the customer data listed in Article 2(1) ***only*** for the purposes ***relating to the specific service*** for which the customer has ***given explicit permission for the use of their*** data. The customer data shall be made available to the data user without undue delay, ***and where relevant and technically feasible***, continuously and in real-time.

Or. en

### **Amendment 350**

**Ville Niinistö**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

##### **Article 5 – paragraph 1**

###### *Text proposed by the Commission*

1. The data holder shall, upon request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user. The customer data shall be made available to

###### *Amendment*

1. The data holder shall, upon request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user ***and insofar as the data user demonstrates a***



the data user without undue delay, continuously and in real-time.

*valid legal basis under article 6(1)(a) or (b) of Regulation (EU) 2016/679.* The customer data shall be made available to the data user without undue delay, continuously and in real-time.

Or. en

**Amendment 351**  
**Markus Ferber**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. The data holder shall, upon request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in real-time.

*Amendment*

1. The data holder shall, upon request from a customer submitted by electronic means, make available to a data user **that is member of a financial data-sharing scheme** the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in real-time.

Or. en

*Justification*

*Better alignment with the provisions of Title IV of this regulation.*

**Amendment 352**  
**Laurence Sailliet**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

1. The data holder shall, upon request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has

*Amendment*

1. The data holder shall, upon request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has

granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in real-time.

granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in real-time, **where appropriate in the circumstances.**

Or. en

### **Amendment 353**

**Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 1**

###### *Text proposed by the Commission*

1. The data holder shall, upon request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in real-time.

###### *Amendment*

1. The data holder shall, upon **explicit** request from a customer submitted by electronic means, make available to a data user the customer data listed in Article 2(1) for the purposes for which the customer has granted permission to the data user. The customer data shall be made available to the data user without undue delay, continuously and in real-time.

Or. en

### **Amendment 354**

**Fulvio Martusciello, Herbert Dorfmann**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 1 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

**1 a. Any undertaking designated as a gatekeeper, pursuant to Article 3 of Regulation (EU) 2022/1925, shall not be an eligible data user under this Regulation.**

Or. en

**Amendment 355**  
**Stéphanie Yon-Courtin, Gilles Boyer**

**Proposal for a regulation**  
**Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1 a. Any undertaking designated as a gatekeeper, pursuant to Article 3 of Regulation (EU) 2022/1925, shall not be an eligible data user under this Regulation.**

Or. en

*Justification*

*As for the Data Act, it is suggested to introduce a provision to prevent designated gatekeepers under the DMA to access data under FIDA.*

**Amendment 356**  
**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

**Proposal for a regulation**  
**Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1 a. Any undertaking designated as a gatekeeper, pursuant to Article 3 of Regulation (EU) 2022/1925, shall not be an eligible data user under this Regulation.**

Or. en

**Amendment 357**  
**Fabio Massimo Castaldo**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. A data holder may claim compensation from a data user for making

2. A data holder may claim compensation from a data user for making

customer data available pursuant to paragraph 1 only if the customer data is made available to a data user in accordance with the rules and modalities of a financial data sharing scheme, as provided in Articles 9 and 10, or if it is made available pursuant to Article 11.

customer data available pursuant to paragraph 1 only if the customer data is made available to a data user in accordance with the rules and modalities of a financial data sharing scheme, as provided in Articles 9 and 10, or if it is made available pursuant to Article 11.

***This Regulation is without prejudice to accessing, sharing and using data on a purely contractual basis without making use of the data access obligations established by this Regulation.***

Or. en

### **Amendment 358**

**Marco Zanni, Valentino Grant, Antonio Maria Rinaldi**

#### **Proposal for a regulation Article 5 – paragraph 2**

*Text proposed by the Commission*

2. A data holder may claim compensation from a data user for making customer data available pursuant to paragraph 1 only if the customer data is made available to a data user in accordance with the rules and modalities of a financial data sharing scheme, as provided in Articles 9 and 10, or if it is made available pursuant to Article 11.

*Amendment*

2. A data holder may claim compensation from a data user for making customer data available pursuant to paragraph 1 only if the customer data is made available to a data user in accordance with the rules and modalities of a financial data sharing scheme, as provided in Articles 9 and 10, or if it is made available pursuant to Article 11.

***This Regulation is without prejudice to accessing, sharing and using data on a purely contractual basis without making use of the data access obligations established by this Regulation.***

Or. en

### **Amendment 359**

**Frances Fitzgerald**

#### **Proposal for a regulation Article 5 – paragraph 2**

*Text proposed by the Commission*

2. A data holder may claim compensation from a data user for making customer data available pursuant to paragraph 1 only if the customer data is made available to a data user in accordance with the rules and modalities of a financial data sharing scheme, as provided in Articles 9 and 10, or if it is made available pursuant to Article 11.

*Amendment*

2. A data holder may claim compensation from a data user for making customer data available pursuant to paragraph 1 only if the customer data is made available to a data user in accordance with the rules and modalities of a financial data sharing scheme, as provided in Articles 9 and 10, or if it is made available pursuant to Article 11. ***This is without prejudice to accessing, sharing and using data on a purely contractual basis without making use of the data-access obligations established by this Regulation.***

Or. en

*Justification*

*To reflect similar wording in recital 50*

**Amendment 360**  
**Laurence Salliet**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. A data holder may claim compensation from a data user for making customer data available pursuant to paragraph 1 only if the customer data is made available to a data user in accordance with the rules and modalities of a financial data sharing scheme, as provided in Articles 9 and 10, or if it is made available pursuant to Article 11.

*Amendment*

2. A data holder may claim compensation from a data user for making customer data available pursuant to paragraph 1 only if the customer data is made available to a data user in accordance with the rules and modalities of a financial data sharing scheme, as provided in Articles 9 and 10, or if it is made available pursuant to Article 11. ***This is without prejudice to accessing, sharing and using data on a purely contractual basis without making use of the data-access obligations established by this Regulation.***

Or. en

## **Amendment 361**

**Ville Niinistö**

on behalf of the Verts/ALE Group

### **Proposal for a regulation**

#### **Article 5 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) request data users to demonstrate that they have obtained the permission of the customer to access the customer data held by the data holder;

*Amendment*

(c) request data users to demonstrate that they have ***a valid legal basis under article 6(1)(a) or (b) of Regulation (EU) 2016/679 and*** obtained the permission of the customer to access the customer data held by the data holder;

Or. en

## **Amendment 362**

**Markus Ferber**

### **Proposal for a regulation**

#### **Article 5 – paragraph 3 – point e**

*Text proposed by the Commission*

(e) ***respect the confidentiality of trade secrets and intellectual property rights when customer data is accessed in accordance with Article 5(1).***

*Amendment*

***deleted***

Or. en

*Justification*

*The data holder cannot assess which data relates to trade secrets or intellectual property rights. This can only be done by the customer. Therefore, the data holder should not be held liable for any infringements.*

## **Amendment 363**

**Laurence Sailliet**

### **Proposal for a regulation**

#### **Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. Any undertaking designated as a gatekeeper, pursuant to Article 3 of Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector (Digital Markets Act), shall not be an eligible third party under this Regulation and the data holder shall not therefore grant access to customer data to such entities.**

Or. en

**Amendment 364**  
**Stéphanie Yon-Courtin, Gilles Boyer**

**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

**Customer permission**

- 1. Any permission granted by a customer shall be given for a period of time not exceeding 6 months.**
- 2. Any permission granted by a customer shall not be renewed tacitly.**
- 3. A customer may withdraw the permission it has granted to a data user at any time and free of charge. When processing is necessary for the performance of a contract, a customer may withdraw the permission it has granted to make customer data available to a data user according to the contractual obligations to which it is subject.**

Or. en

*Justification*

*Without customer consent, no data is made accessible to data users. In this respect, the provisions governing this consent should be strengthened: the customer's consent given to the data user must be explicit, for a given service, clearly identified and limited in time, with no tacit renewal possible. These provisions shall be included in a dedicated article on customer permission.*

